

Overview of Motor Vehicle Use on the Beach Strand of Atlantic Coastal States

General Summary

The central question for this project was to determine how different entities regulate beach access by motor vehicles. Within this study, research was completed to find any regulation possible concerning MVU on public beaches for east coast states from Florida north to Maine. The researched regulating bodies included: States, Counties, Cities, Townships, Villages, State Parks, National Wildlife Refuges, and National Parks. The study considered only regulations for east coast states that have beach access on the Atlantic Ocean.

Reasons Why Beach Driving is Restricted

In general, entities that restrict, or disallow MVU on public beaches do so for two main reasons. First, the impact on the environment and or species native or that regularly inhabit the area would be harmed, injured, destroyed, etc. or second, the beach property is not conducive to MVU according to the responding regulating bodies¹. These two decision choices do not exhaust the list of the possibilities, but they were the most common response in reasons for regulation in the research.

Reasons Why Beach Driving is Allowed

According to the regulating bodies that permit beach driving, it is allowed on the grounds that environmental harm can be mitigated, or that environmental harm will not occur. In either situation, beach driving is regulated through a variety of restrictions. They include vehicle type/specifications (i.e. four wheel drive and tire pressure) and listed necessary equipment, time of day, time of year, access at specific entry ways, limitations to the beach area that can be driven on, the purchase of a permit, and purpose for driving on the beach (which can include reasons from fishing to scientific research).

¹ Responding regulating bodies in this case generally means the municipal code, code of regulation, or email response from governing officials.

Connecticut:

Counties: (<http://www.cga.ct.gov/2005/pub/titles.htm>)

Counties do not have governing power in the state of Connecticut; it is by municipality and state law only.

State Law: (<http://www.cga.ct.gov/2005/pub/titles.htm>)

GENERAL STATUTES OF CONNECTICUT **Revised to January 1, 2005**

TITLE 22a*ENVIRONMENTAL PROTECTION

CHAPTER 444*COASTAL MANAGEMENT

Sec. 22a-92. Legislative goals and policies. (a) The following general goals and policies are established by this chapter:

(1) To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;

(2) To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;

(3) To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters;

(4) To resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits;

(5) To consider in the planning process the potential impact of coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and reduce the necessity of public expenditure to protect future development from such hazards;

(6) To encourage public access to the waters of Long Island Sound by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are consistent with sound resource conservation procedures and constitutionally protected rights of private property owners;

(7) To conduct, sponsor and assist research in coastal matters to improve the data base upon which coastal land and water use decisions are made;

(8) To coordinate the activities of public agencies to insure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan for conservation and development adopted pursuant to part I of chapter 297;

(9) To coordinate planning and regulatory activities of public agencies at all levels of government to insure maximum protection of coastal resources while minimizing conflicts and disruption of economic development; and

(10) To insure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 22a-93 and to insure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (A) May reasonably be sited outside the coastal boundary; (B) fails to meet any applicable federal and state environmental, health or safety standard or (C) unreasonably restricts physical or visual access to coastal waters. This policy does not exempt any nonfederal facility in use from any applicable state or local regulatory or permit program nor does it exempt any federal facility or use from the federal consistency requirements of Section 307 of the federal Coastal Zone Management Act.

(b) In addition to the policies stated in subsection (a), the following policies are established for federal, state and municipal agencies in carrying out their responsibilities under this chapter:

(1) Policies concerning development, facilities and uses within the coastal boundary are: (A) To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas; (B) to locate and phase sewer and water lines so as to encourage concentrated development in areas which are suitable for development; and to disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used; (C) to promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities; (D) to require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion,

to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners; (E) to disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical storage facilities which can reasonably be located inland and to require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills; (F) to make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area; (G) to encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land; (H) to protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the state-wide boating public and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas; (I) to protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry; and (J) to require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer.

(2) Policies concerning coastal land and water resources within the coastal boundary are: (A) To manage coastal bluffs and escarpments so as to preserve their slope and toe; to discourage uses which do not permit continued natural rates of erosion and to disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system; (B) to manage rocky shorefronts so as to insure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies; **(C) to preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to insure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and enhancement of disturbed or modified beach systems;** (D) to manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to encourage the restoration and enhancement of degraded intertidal flats; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation, and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats; (E) to preserve tidal

wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions; to encourage the rehabilitation and restoration of degraded tidal wetlands and where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal; (F) to manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water dependent uses; (G) to promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing developed shorefront areas for marine-related uses, including but not limited to, commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses; **(H) to manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland; to maintain the value of undeveloped islands as a major source of recreational open space; and to disallow uses which will have significant adverse impacts on islands or their resource components; (I) to regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources; and (J) to maintain the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.**

Cities:

Stamford: (www.municode.com)

Chapter 231: Vehicles and Traffic

Sec. 231-1. Definitions.

The words and terms used in this Article shall be construed as follows:

Crosswalk. That portion of a highway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a highway distinctly indicated as a crossing for pedestrians by lines or other marking on the surface, except such prolonged or connecting lines from an alley across a street.

Highway. Any public highway, road, street, avenue, alley or other place under the control of the city, dedicated, appropriated or opened to public travel, including the street, sidewalks and other land within its right-of-way.

Right-of-way. The legal boundary of any highway or street, i.e., the property line.

Street. That part of a public highway intended for vehicular traffic.

Traffic. Pedestrians, vehicles and other conveyances while using any highway for purposes of travel, and including vessels on waterways insofar as the same are regulated herein.

Traffic authority. The Stamford Traffic Commission or its designee.

Vehicle. Any device suitable for use on the highways for the conveyance, drawing or other transportation of persons or property, whether operated on wheels or runner or by other means, except those used exclusively upon tracks.

Sec. 231-3. Resident use of vehicles on beaches and parklands.

Only a motor vehicle owned by a resident or taxpayer of the city shall be permitted to enter upon or use the facilities of any public park or beach of the city, except in accordance with such regulations as are adopted by the Parks and Recreation Commission and approved by resolution of the Board of Representatives.

<http://www.cityofstamford.org/webware/Default.aspx?Message=1798&t=-1>)

Beach Parking

Beach parking stickers are required to park at Cove Island, Cummings, West Beach and Dorothy Heroy parks between Memorial Day weekend and Labor Day for residents & non-residents.

To obtain a sticker through the mail, residents can mail a copy of their car registration for vehicles registered in Stamford with a check for \$20, or \$7 for senior citizens, made payable to "City of Stamford" to Cashiering & Permitting, City of Stamford, 888 Washington Blvd., Stamford, CT 06901. Non-residents must purchase beach stickers in person. Rates are as follows: Non-resident weekday only seasonal \$225, 1 day permit \$30, 2 day permit \$40.

If the vehicle is not registered in Stamford, the fee is \$95, or \$35 for Senior citizens. Include a copy of the vehicle registration and driver's license plus a copy of a utility bill or property tax bill in all car owners names to prove residence in Stamford.

Senior citizens must also furnish a copy of a driver's license proving 62 years of age or older.

Beach stickers can be purchased in person at the Cashiering & Permitting Office at the Government Center from 8-4, except thru July 2 Tuesday & Thursday hours will be from 8-6. Due to ongoing park improvements at Cove Island Park, the Terry Connors Rink is currently closed. Beach stickers will not be available for purchase at Terry Connors Rink.

For more information about beach parking, call the Cashiering and Permitting office, at 977-4692 between 8:30 a.m. and 4:00 p.m. Monday through Friday.

Delaware Regulations:

- I. Counties in Delaware
 - A. According to the response from county officials, any beach in the state of Delaware is directly regulated by municipalities, and not the county government.
- II. Cities in Delaware
 - A. There are no city beaches in the state of Delaware that allow beach driving per correspondence with municipal officials.
- III. State Parks in Delaware
 - A. Beach driving is allowed at three state parks for the purpose of “surf fishing” only. Those parks are:
 1. Cape Henlopen State Park
 2. Delaware Seashore State Park
 3. Fenwick Island State Park
 - B. Beach driving for the purpose of “Surf Fishing” is regulated under a permit system. The rules entail:
 1. Vehicle permits are issued for one calendar year, and must be displayed on the vehicle.
 2. Permits are available for a fee of sixty-five dollars (\$65.00) for in state residents, fifty-five dollars (\$55.00) for in state senior citizens, one hundred thirty dollars (\$130.00) for non residents, and one hundred and ten dollars (\$110.00) for out of state senior citizens. Two year permits may be purchased at a discounted rate.
 3. The owner of the permitted vehicle must have the permit receipt available upon request of inspection.
 4. Joyriding and reckless driving are strictly prohibited.
 5. Hours of operation vary from place to place.
 6. The permit allows fishermen to drive their vehicles onto designated fishing areas, and you must be actively engaged in fishing activities.
 7. Your vehicle must be licensed and registered to operate on public highways, with a minimum ground clearance of 7”.
 8. Your vehicle must have four wheels.
 9. Permits are not transferable.
 10. Permit holders must carry safety equipment, and drop their tire pressure.
 11. You must have proper fishing equipment with you at all times, or it is considered a violation of the regulations.
 12. Driving on areas not designated for beach driving (i.e. sand dunes and or other vegetation) is not permitted.
 13. Driving areas may be closed according to the discretion of park employees for any necessary reason (i.e. inclement weather).

14. Failure to follow the regulations can cost up to five thousand dollars (\$5000.00) in fines and or revocation of the permit depending on the infraction.

Delaware

Counties:

New Castle: (no additional information available in their code of regulations)

Sec. 24.01.006. Operation of motor vehicles.

No person shall ride in or drive any motor vehicle which is self-propelled upon any parkland, except upon the roads or on areas which are designated and provided for such purposes. It is prohibited for any person to commit any act by use or operation of any motor vehicle on any parkland which, if committed upon a public highway or street in the State, would be prohibited and unlawful. Speed limits within all parks shall be fifteen (15) miles per hour unless otherwise posted. No one shall test or repair any vehicle or mechanical device in any park. There shall be no parking at any time except in areas designated for such purposes.

(Ord. No. 98-050, § 1(24-6), 5-26-1998)

Cross references: Traffic and vehicles, ch. 34.

I have sent emails to the county administrator in Kent County and Sussex County, waiting on a response. **In response to my inquiry, county officials explained to me that the only beaches in the state of Delaware that allow beach driving are 3 state parks, and that beaches are not regulated at all by the county government, but by municipalities and state government only.**

Other: “State Owned Parks” (REGULATION GOVERNING BEACH PROTECTION AND THE USE OF BEACHES; Revised and Effective December 27, 1983 (Beach Preservation Act of 1972; Department of Natural Resources Control Division of Soil and Water Conservation)

<http://www.dnrec.state.de.us/bechregs.htm>

PART 3: Prohibited Activities

3.03 Other Activities

The following activities are prohibited:

- a. **The operation of any motorized vehicle or machine on, over or across the primary dune on any State-owned beach except at those locations specified by the Department for such use (see current State Parks Rules, and Regulations for additional rules);**
- b. Pedestrian traffic on, over or across the primary dune on any State-owned beach except at those locations specified by the Department for such use;
- c. The alteration, moving or removal of any facility, improvement or structure installed or maintained by the Department for enhancement, preservation or protection of any beach; and

- d. The damaging, destruction or removal of any trees, shrubbery, beachgrass or other vegetation growing on any State-owned or maintained beach seaward of the Building Line.

Parks Website: <http://www.destateparks.com/dssp/dssp.asp>

Surf Fishing is allowed at: 1. Cape Henlopen State Park; 2. Delaware Seashore State Park; 3. Fenwick Island State Park

Surf Fishing Regulation:

Some of the best fishing in the Mid-Atlantic States takes place on Delaware State Park beaches. However, lugging all your gear across a dune crossing can be troublesome. Consequently, Delaware State Parks have made it easy for surf fishermen to bring their vehicle with them. The Surf Fishing Vehicle Permit allows vehicles onto designated beaches for the sole purpose of fishing.

Surf fishing vehicle permits are issued for the calendar year. These permits allow four-wheeled vehicle access to designated areas for the purpose of surf fishing.

Who Qualifies For A Surf Fishing Permit?

Any four-wheeled vehicle which has been licensed and registered to operate on public highways with a minimum clearance of not less than 7 inches between the lowest point of the vehicle and the ground.

Permits cannot be transferred from one vehicle to another.

Permit Regulations:

Permit-holder must be actively engaged in surf fishing when the vehicle is out on the beach. Appropriate fishing gear must be present - bait, tackle, pole.

For the safety of the fishermen, vehicles must carry a low-pressure tire gauge, a tow rope/chain, a board, jack, and shovel.

Permit regulations are strictly enforced. Violations may result in a fine of \$25 to \$250 for a first offense and \$50 to \$500 for a second offense.

Swimming in unguarded areas is unsafe. Lifeguards are available at designated swimming beaches from Memorial Day weekend through Labor Day. For your safety, please swim at these locations.

Please be courteous to other beach-users.

The Carry In - Carry Out Trash-Free Park program is in effect in all surf fishing areas. Help us keep your parks clean and beautiful by carrying out the trash you carry in. Dispose of nylon fishing line properly. Loose, discarded line entangles wildlife and beach cleaning equipment.

Dogs are allowed in most surf fishing vehicle areas but must be under control and kept on a leash not to exceed six feet in length. This [policy](#) is strictly enforced. Violations are subject to fines.

People, pets, and vehicles are not to enter designated bird nesting areas. Disturbance of these areas may prevent successful nesting or fledging of threatened shorebirds.

People, pets, and vehicles are to keep off of dunes. Foot or vehicular traffic quickly kills the fragile dune grasses which stabilize the dunes. Cross only at designated pedestrian or vehicular crossings.

Your valuable assistance is needed in protecting the beach system. If you see damage being done to the dune, please report the incident to the nearest park employee.

Surf fishing areas are subject to closure in the event of severe weather conditions (high tides, coastal storms, etc.). In addition to giving access to designated beach areas, the permit also allows free entry to day areas in all Delaware State Parks during the fee season. This permit does not give you the right to access other state or private beaches not owned by Delaware State Parks.

Section 7.1 -- SURF FISHING VEHICLES (Delaware State Parks Official Rules and Regulations) (<http://www.destateparks.com/know/rules/rules.htm#7.1>)

a. The Division through its authorized agents shall collect an annual fee and issue an appropriate permit for each four (4) wheel vehicle equipped for travel upon sand beaches for the purpose of surf fishing at Cape Henlopen State Park, Delaware Seashore State Park, Fenwick Island State Park, and Beach Plum Island.

(1) Surf Fishing Vehicle Permits shall be issued only to those vehicles duly registered and licensed to operate on public highways.

(2) Four (4) wheel vehicles for purposes of this Section shall mean a vehicle equipped with four (4) wheels which makes contact with the road surface.

(3) No Surf Fishing Permit shall be issued to any vehicle which measures less than seven (7) inches between the lowest point of the vehicle and the ground.

(4) Surf fishing vehicles must be equipped with a shovel, jack, tow rope or chain, board or similar support for the jack and a low-pressure tire gauge.

(5) Failure to possess adequate saltwater fishing tackle, bait and/or lures commonly used for surf fishing shall be deemed prima facie evidence of a violation of this regulation.

b. No person shall operate a vehicle upon the beach areas or dune crossings administered by the Division without a permit for such vehicle as set forth in Section 7, paragraph a.

c. The surf fishing vehicle plate must be properly displayed on the vehicle for which the permit was issued prior to operation on beach areas administered by the Division.

(1) The surf fishing vehicle plate shall be affixed to the front of the vehicle.

(2) The owner's copy of the permit receipt shall be available for inspection at all times when the vehicle is being operated on such beach areas.

d. It shall be unlawful to operate any vehicle on any authorized dune crossing or on any beach area administered by the Division at any speed that is greater than is reasonable and prudent under the conditions, and having regard to the actual and potential hazards then existing, but never exceeding 15 m.p.h. In every event, speed shall be controlled and limited to that speed necessary to maintain traction and steering.

e. Operation or use of any permitted surf fishing vehicle on the beaches administered by the Division except for traveling to and from fishing areas for the purpose of actively engaging in surf fishing is prohibited.

(1) Use of a surf fishing permit for the purpose of commercial bait fishing is permitted on the beaches administered by the Division provided all conditions and requirements of said permit are met and a permit is obtained from the Director.

f. The Division shall designate areas for surf fishing vehicle use on beaches under its jurisdiction. These areas shall be marked with symbol signs indicating 24-hour access, limited access and no access. Operation of a vehicle in an area not authorized for such use or during times and/or dates the area is closed to vehicles shall be a violation of this regulation.

g. The use or operation of any vehicle whatsoever, on, over, or across the sand dunes on Division lands is expressly prohibited, except when it is a vehicle displaying a valid Delaware Surf Fishing Vehicle Permit and is crossing dunes at authorized dune crossings, which are designated and maintained for that purpose by the Division.

(1) Any other use or operation of a vehicle on, over or across the primary sand dunes, except at authorized crossings, is expressly prohibited. Violators of this regulation may be charged under Title 7 Del. C., Section 6805(b) which carries a penalty of \$200 to \$5,000 or imprisonment for up to two years or both, in addition to reimbursing the Department for reasonable expenses in remedying damages created.

h. Beach areas, including surf fishing areas, may be closed to pedestrians and vehicles, in whole or in part, for resource protection or for health, welfare, and/or safety reasons for such a period as may be determined by the Department. Unauthorized entry into a posted and/or barricaded closed area shall be a violation of this regulation.

i. It shall be a violation of this Section to loan a Surf Fishing Vehicle Permit, or to use or attempt to use a Surf Fishing Vehicle Permit on any vehicle other than the vehicle it is

assigned to. In addition to other action that may be taken, the permit will be confiscated and held as evidence.

j. The Director shall have the right to suspend Surf Fishing Vehicle Permits for up to 90 days or to revoke permits for up to three (3) years for conviction of reckless operation of a surf fishing vehicle or operation of a surf fishing vehicle under the influence of alcoholic beverages and/or drugs on lands administered by the Division or for violations of these regulations.

Florida Regulations:

- I. Counties in Florida (with regulations where found)
 - A. Volusia County
 1. Unified Beach Code
 - i. Gives the public right to access and use for recreational and other typical uses of the beach
 - ii. As stated in the code, motor vehicle use is allowed on the beach to the extent that some areas cannot be accessed otherwise by many who want to use the beach.
 - iii. To access the beach by vehicle, you have to pay a fee.
 - iv. The County government is granted the right to regulate all parts of the Unified Beach Code
 - B. Nassau County
 1. Beach Regulation
 - i. Motor Vehicle is defined to include: automobiles, motorcycles, motor trucks, trailers, semi-trailers, tractor trailer combinations, recreational vehicle-type units including travel trailers, camping trailers, truck campers and motor homes, and all other vehicles used as a means of transporting persons or property and propelled by other than muscular power.
 - ii. Motor Vehicles are not allowed on the sand dunes (sand dunes act as a barrier between the beach area and the town) or within designated swimming areas under any circumstance.
 - iii. Motor Vehicles can be used on the beach in designated areas, but must respect a speed limit of 10 mph and drive in a safe manner.
 - iv. Motor Vehicles can be used on the beach in designated areas, but must respect a speed limit of 10 mph and drive in a safe manner.
 - C. Brevard County
 1. Beach Regulation
 - i. You cannot use any unauthorized motor vehicles on the beaches of Brevard County. Authorized vehicles (generally) include emergency vehicles and other county use type vehicles for taking care of the beach. The only exception to the rule is a bicycle.
 - ii. Any violation is subject to punishment (i.e. a set fine amount depending on the offense).
 - D. Indian River County
 1. Indian River County listed no specific regulation concerning beach driving
 - E. Flagler County
 1. Beach Regulation

- i. No vehicles besides county authorized or emergency vehicles are allowed on the coastal beach of Flagler County.
 - ii. Parking lots are available along the coastal beach to provide access.
- F. Martin County
 - 1. Beach Regulation
 - i. Martin County does not allow motor vehicle use by anyone except county officials for maintenance and monitoring.
- G. Palm Beach County
 - 1. Beach Regulation
 - i. Motor vehicle use is not allowed unless you have a permit
 - ii. Permits can be obtained through application to the office of the county engineer.
 - iii. The beach is open during designated hours year round, which people with permit must respect
 - iv. If you violate any of the rules, you permit can be revoked, and or you may receive a fine.
- H. Broward County
 - 1. Beach Regulation
 - i. Motor vehicle is defined as: any vehicle which is self-propelled by any means whatsoever
 - ii. It is illegal to operate any motor vehicle on the beach, except for vehicles used by any municipality, county, the State of Florida or the United States and being utilized for a public purpose or to any motor vehicle being used to provide services to any of the foregoing governmental entities.
 - iii. Violation of the set regulation can result in jail time or a fine of up to five hundred dollars (\$500.00).
- I. Miami-Dade County
 - 1. Beach Regulation
 - i. Motor vehicles are expected to stay on all designated roads (paved or improved roads), except when told otherwise by law enforcement.
- II. Cities in Florida (with regulation where found)
 - A. Vero Beach
 - 1. Public use of motor vehicles is prohibited on coastal beaches in Vero Beach
 - B. Daytona Beach
 - 1. Within the city of Daytona Beach, a street system was designated along the coastal beach
 - i. There is regulation for set traffic lanes that follows very closely to city streets (i.e. cannot deviate from your lane, or obstruct traffic)

- ii. The public is not allowed to use the part of the beach designated for traffic for recreation.
- iii. Traffic can be restricted at any time the public safety departments see fit.
- iv. Violation of the regulations can result in jail time of up to sixty (60) days or up to five hundred dollars (\$500.00) in fines.

C. Jacksonville

1. Beach Regulation

- i. Motor vehicle use on coastal beaches by the public is not allowed
- ii. Violation of the regulations can result in jail time of up to sixty (60) days or up to five hundred dollars (\$500.00) in fines.

D. Palm Beach

1. Beach Regulation

- i. Motor vehicles are not allowed on the beach, unless given written consent from the chief of police.

III. State Parks in Florida

A. General Regulation

- 1. All Florida State Parks are managed under the *State of Florida Department of Environmental Protection*.

B. Specific Park Regulations

1. Amelia Island

- i. Motor Vehicle Traffic is allowed with specific regulation:
 - a. Vehicular access is not allowed from April to October for bird nesting season.
 - b. To continue public access to the beach, a “beach parking zone” was developed.

2. Anastasia State Park

- i. Motor vehicles are currently disallowed on the beach, but the issue is under consideration due to compromise negotiations.

3. Anclote Key Preserve State Park

- i. Motor Vehicle use is not allowed on the sand dune area, because they feel that the human impact would be too great on the plant life, and the dunes ability to protect against oceanic weather.
- ii. Nothing is specifically said about vehicle use on the beach, but it is implied that it is not allowed.

4. Avalon State Park

- i. Prior to this area being designated as a State Park, motor vehicle use was allowed on the beach.
- ii. As the beach is now managed as part of a State Park, they have chosen to shut down beach driving to allow plant growth and other natural species to reestablish themselves.

5. Bahia Honda State Park
 - i. There is an access road for beach access, which eliminates the reason for beach driving. Also, as stated in the regulations, due to the type of uses on the beach within the park, activities like beach driving are not permissible.
 6. Big Talbot Island State Park and Little Talbot Island State Park (both parks under the same unit management plan)
 - i. Highway A1A cuts directly through the parks, giving no reason for driving on the beach, because the road is in very close proximity to the beach.
 7. Fort Clinch State Park
 - i. In this park, the beach areas are considered “protected zones”, which implicitly denies beach driving per the language of their regulation.
 8. Fort Zachary Taylor Historic State Park
 - i. This park has experienced extreme erosion issues since 1991, making beach driving virtually impossible.
 9. Gamble Rogers Memorial State Recreation Area at Flagler Beach
 - i. Highway A1A provides well enough access to the beach that beach driving is unnecessary. Also, the “Scrub Jay” bird population is a concern, so beach use regulation is also designed to protect this species.
 10. Hugh Taylor Birch State Park
 - i. Highway A1A provides access to the beach, making beach driving unnecessary.
 11. John D. MacArthur Beach State Park
 - i. Highway A1A provides access to the beach, making beach driving unnecessary.
 12. John Pennekamp Coral Reef State Park
 - i. Highway A1A provides access to the beach, making beach driving unnecessary.
 13. John U. Lloyd Beach State Park
 - i. Highway A1A provides access to the beach, making beach driving unnecessary.
 14. Sebastian Inlet State Recreation Area
 - i. Highway A1A provides access to the beach, making beach driving unnecessary.
 15. St. Lucie Inlet Preserve State Park
 - i. Public access is by boat or foot only.
 16. Washington Oaks Garden State Park
 - i. Highway A1A provides access to the beach, and beach driving is not allowed to protect plant life/growth along the sand dunes and coastal area.
- IV. Florida National Wildlife Refuges (NWR)
- A. Lake Wales Ridge NWR

1. There is no public access on this NWR.
- B. St. Johns NWR
 1. There is no public access on this NWR.
- C. Pelican Island NWR
 1. Access to Pelican Island NWR is primarily by boat
 2. Certain areas of the Island are completely restricted for habitat and species population improvements.
- D. Hobe Sound NWR
 1. Foot and bicycle access are the only allowed modes of transportation to protect habitat and species.
- E. Merritt Island NWR
 1. Merritt Island NWR is in the process of developing their “comprehensive conservation plan”, and will not have any set regulation until September of 2007. However, they implicitly only allow motor vehicle use on designated roads for the time being.
- F. ARM Loxahatchee NWR
 1. Motor vehicle use is only allowed on designated roads.
- G. Crocodile Lake NWR
 1. Closed to the public due to the sensitivity of the species restoration and habitat.
- H. Great White Heron NWR
 1. Public only allowed foot access.
- I. Key West NWR
 1. Public only allowed foot access to some beach areas within the NWR. Some areas are completely closed off for habitat and species restoration.
- J. National Key Deer NWR
 1. Public only allowed foot access, and bicycle access on designated trails by permit.
- K. Archie Carr NWR
 1. This NWR was designated specifically for sea turtle repopulation, making beach driving an unwanted disturbance. Also, highway A1A runs in close enough proximity to make beach driving unnecessary.

Volusia County “Unified Beach Code” (FL)

Sec. 205. Unified countywide beach regulations.

Sec. 205.1. The beach: Public right of access and use.

The public has a right of access to the beaches and a right to use the beaches for recreation and other customary purposes. This right of access and use is a public trust, which the council shall by ordinance define, protect, and enforce. Because prohibiting motor vehicle access to the beaches would deny beach use to many, the council shall authorize, as permitted by law, vehicular access to any part of the beach not reasonably accessible from public parking facilities. (Res. No. 86-136, Amend. No. 4, 9-18-86; Res. No. 96-121, Amend. No. 3, 6-20-96)

Sec. 205.2. Unified Beach Code.

The council shall have the power and it shall be its duty to enact an ordinance, to be known as the Unified Beach Code ("code"), comprehensively regulating public health, safety, and welfare on and pertaining to the beach, including, but not limited to, regulation of: individual conduct; pedestrian safety; vehicular access and fees; operation and parking of vehicles on beaches and approaches; and vendors, concessionaires, and special events.

(Res. No. 86-136, Amend. No. 4, 9-18-86; Res. No. 96-121, Amend. Nos. 1, 2, 6-20-96)

Sec. 205.3. Vehicular access fees.

The council shall have the exclusive power to impose a uniform, reasonable vehicular beach access fee, but no other fee shall be charged for individual beach access or use. Revenues derived from vehicular access fees and all other revenues derived from the beach shall be expended solely for direct beach purposes permitted by law. Directly and by grants to municipalities, the council shall expend such revenues to maintain a uniform level of services responsive to use and demand.

(Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Sec. 205.4. Delivery of services on the beach.

No function or power relating to services is transferred from any municipality to the county. The municipalities may continue to deliver any services on their beaches, which shall not be duplicated by the county. However, if authorized by a municipality, the county shall assume, at the county's expense, any municipal beach service.

(Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Sec. 205.5. Effect of Unified Beach Code.

The county shall have jurisdiction over the coastal beaches and approaches as well as exclusive authority to regulate the beaches and public beach access and use. To the extent sovereign immunity has been waived, the county shall assume any governmental liability arising after the code takes effect for claims in areas controlled by the county under this article, including claims alleging failure to warn of dangers, but unless otherwise agreed, the county will not be liable for any act of a municipality. Any ordinance enacted pursuant to this article shall prevail in the event of conflict with a municipal ordinance.

(Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Sec. 205.6. Definitions of beach and approach.

"Beach" refers to lands and waters lying seaward of the seawall or line of permanent vegetation and within three miles seaward of the mean low water mark, and "approach" refers to property over which there exists a public right of way by title, dedication, prescription, custom, or otherwise for beach ingress and egress between the beach and the easternmost north-south roadway. All beaches and approaches within and without municipalities are included.

(Res. No. 86-136, Amend. No. 4, 9-18-86; renumbered Res. No. 96-121, Amend. No. 2, 6-20-96)

Nassau County (FL)

Proposal to close beach accesses raises opposition

A county commissioner proposed it after hearing complaints about rowdy behavior.

By MARY HURST, Nassau Neighbors staff writer

AMELIA ISLAND - A proposal to close all Nassau County beach access points after dark is drawing a wave of protests from residents.

County Commissioner Mike Boyle said Wednesday that he's opening e-mail after e-mail opposing the proposed ordinance.

Boyle said he proposed the closure to address concerns raised by constituents about noise, drinking and racing at Peters Point Park.

"I'm not coming into this with a set of demands. I'm here as a facilitator. I'm bringing it to the board and I'm sure it will be debated vigorously," Boyle said.

The proposed amendment to the county's recreational land regulation ordinance calls for Peters Point and Burney parks, the North End Boat Ramp, and the Scott Road and Lewis Street beach entrance ramps be closed from sundown to sunup every day except July 4, when they would stay open until 10 p.m.

Boyle said the beach access closings were expanded from Peters Point to all beach accesses because officials didn't want the disturbances just to move to another location. But he didn't know why the North End boat ramp would have to be included since that parking lot doesn't lend itself to racing cars.

Peters Point neighbor Richard Bergner echoed Boyle's sentiments. He said he and his neighbors have seen and heard a lot, particularly in the spring and summer months.

"This really is a place to start the conversation. I realize that the beach is everyone's beach," Bergner said. "Our concern is that the incidents are reaching larger proportions. There's drug dealing and racing around the parking lot and we don't know what else."

Commissioner Jim B. Higginbotham, who represents Fernandina Beach and parts of Amelia Island, said he's not in favor of the proposed ordinance.

"I've fought the battle over the beaches before and I'm not going there again," he said.

Sandra Baker-Hinton is ready to debate the issue vigorously and hopes she's responsible for some of the e-mails Boyle and other commissioners are getting. The Phillips Manor Road resident goes to Peters Point Park often and patrols the beach each summer for sea turtle nests. She and her husband and a group of friends have wiener roasts on the beach at least twice a month on weekends.

Beach access meeting

The Nassau County Commission is scheduled to consider an ordinance closing all county beach access points from dusk to dawn, except July 4, at 7 p.m. Monday, Feb. 12, in commission chambers at the Nassau County Governmental Complex in Yulee.

"I've gone down to the beach at 4 a.m. to watch a meteor shower," she said. "We spent New Year's Eve at one of the pavilions at Peters Point and stayed until after the Ritz-Carlton's fireworks."

She would like to try an increased law enforcement presence instead.

"You could even ban beach driving after midnight," she said. "That would help curtail some of the rowdiness down there and it would help during turtle nesting season. But if you talked with these people who are causing problems, they may cool it if they know what's at stake."

She said having access to the beach is part of the rights of living on an island, and being young and able to party is also a right of passage for people who grow up here.

"The gated communities have already limited our beach access at the south end of the island. It seems that those of us who are the backbone of the community are being discriminated against," she said. "It seems like we're powerless."

The emotional battle over beach access is not new to Nassau. Beach driving became an issue in the late 1980s, when people on the south end of the island wanted to eliminate beach driving. Locals, who'd long driven on the beach to picnic or to fish, argued the beach belonged to everyone.

Sheriff Tommy Seagraves, born and raised in Fernandina Beach, said there has been vandalism at Peters Point, with damage done to restrooms and picnic tables. The parking lot is sometimes trashed with beer cans. In his senior year in high school, Seagraves had a friend who died drag racing in the Peters Point parking lot.

"On prom weekend and during the summer is when we get the most complaints," he said. "We've made one prostitution arrest last summer but it's not a center for criminal activity. **I've always maintained - and people don't like it - but it's safer to drive on the beach than it is on Florida A1A.**"

He said the ordinance is not his idea, but felt that closing the beach accesses from midnight to 5 a.m. might be a reasonable compromise.

"What are you going to do about fishing tournaments and Easter sunrise service?" he asked. "And people like to walk on the beach after dark sometimes - my wife and I do."

Boyle said he hopes many people come to the public hearing on the issue.

"It's not etched in stone," he said. "This is just a starting point."

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Link to this news story:

http://www.jacksonville.com/tu-online/stories/020307/nen_7699278.shtml

Chapter 23 1/2 RECREATION AREAS*

ARTICLE I. IN GENERAL

Sec. 23 1/2-1. Definitions.

Motor vehicle shall include: Automobiles, motorcycles, mopeds, motor trucks, trailers, semitrailers, tractor trailer combinations, recreational vehicle-type units including travel trailers, camping trailers, truck campers and motor homes, and all other vehicles used as a means of transporting persons or property and propelled by other than muscular power.

Sec. 23 1/2-2. Violations.

(d) *Use of vehicles or horses.* Absolutely no vehicles or horses are allowed on the dunes or vegetation or within the designated swimming areas. Horses shall be under the control of the rider at all times. Horses shall be governed under the established traffic and littering laws. Horses shall not be allowed in public shower or cabana areas.

(e) *Speed limit.* It is unlawful to exceed [the] vehicular speed limit of ten (10) miles per hour or operate a vehicle in a careless or reckless manner.

Sec. 23 1/2-5. Recreational land regulation.

(a) *Title.* This section shall be known as the "Nassau County Recreational Land Regulation Ordinance".

(b) *Purpose.* The purpose of this section is to further enhance the use of all county owned or controlled county lands.

(c) *Uses.*

(1) The board of county commissioners shall, by separate resolution, provide for the specific uses for each parcel of recreational land owned or controlled by the county. The recreational uses shall set forth not only the activities allowed but also the types of motorized vehicles allowed. Once the uses have been established by separate resolution, appropriate signs shall be posted by the county engineer advising of the uses that are allowed and prohibited.

(2) The board of county commissioners shall determine said uses at a regularly scheduled public hearing and shall receive recommendations from the appropriate department heads.

(d) *Penalty.* Once the board of county commissioners has set forth the allowable uses and set forth the prohibited uses by resolution, a violation of said uses shall be a second degree misdemeanor punishable by ten (10) days at the Nassau County detention facility and/or a fine of five hundred dollars (\$500.00) for each infraction.

(Ord. No. 94-22, §§ 1--4, 3-28-94)

Editor's note: Ord. No. 94-22, §§ 1--4, adopted Mar. 28, 1994, did not specify manner of codification, but has been included as § 23 1/2-5 by the editor.

Cross references: Recreational areas re subdivisions, § 29-101 et seq.
Secs. 23 1/2-6--23 1/2-20. Reserved.

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Nassau residents debate idea to close beach access

Supporters want after-dark restrictions put in place.

By ANNE MARIE APOLLO, *The Times-Union*

Once a moonless night has fallen over Nassau County's beach access at Peters Point Park, the darkness is so complete in some spots it might be possible to walk into the sea if the sound of the waves didn't act as a guide.

Absent the glare of modern light, the popular stretch of sand showcases a riot of stars above - a view so beloved in the county that a move by officials that could limit access to the beach is causing a ruckus down below.

County Commissioner Mike Boyle has requested a public hearing Monday to consider closing parking lots at Peters Point and four other points along the waterfront from sundown to sunrise. He called the resulting outcry "a firestorm."

A handful of waterfront property owners first approached him about the possibility of closing the areas at sunset, but many more have pushed back, causing Boyle to anticipate the meeting at 7 p.m. at 96135 Nassau Place in Yulee likely will be standing room only.

Among the voices are Robert Weintraub and Julie Ferreira, who speak for local homeowners' groups.

"There is a great deal of upset out there," said Weintraub, who as president of the East Nassau Homeowners Council sent out an e-mail alerting other groups to the hearing. "Homeowners on the beach have always looked for a way to restrict access at night and people driving vehicles on the beach. A lot of people who have been here many years feel [those things are] a right."

He and Ferreira, who sits on the steering committee of the citizens group Concerned Friends of Fernandina, don't believe arguments that closing the parking points after dark would cut down on vandalism and improve safety on the beaches.

"I feel like it's one of the final nails in the coffin on our quality of life, making the island an exclusive habitat for the wealthy," Ferreira said.

Boyle said that's not so. No one is trying to close the beaches, he said.

Concerns first were raised by property owners near Peters Point, Boyle said. His intent in putting it on the meeting's agenda was to hear all sides, he said.

"All we're trying to do is bring people together," he said.

If approved, the move would close only the county-owned beach parking areas, which are the largest in Nassau, and not necessarily at sunset, Boyle said. After discussion Monday night, the commission

may decide that is too strict, he said, and access points maintained by Fernandina Beach would remain open.

Nassau County Sheriff Tommy Seagraves, who met with Boyle and the group lobbying for the closure, said if the commission opts for any change he would suggest closing parking off from midnight to 5 a.m.

There are times when nights are problematic on the beach, Seagraves said, most often in summer or near prom.

Daniel Salmon, director of the county's building maintenance department, said the problems are no more so than in other parks.

Access points

A proposed Nassau County ordinance would close some beach access points and boat ramps from sundown to sunrise, affecting:

- The North End Boat Ramp
- Peter's Point Park
- Scott Road Beach Access
- Lewis Street Beach Access
- Burney Park

None of the county's other outdoor facilities close at night, he said.

There are a lot of reasons why they shouldn't, by Weintraub's way of thinking.

"A lot of people live here because they like being by the beach, you go out there, even at night," he said.

They can look at the stars or watch a nighttime rocket launch, he said.

After sunset is the only time to relax with a walk or go fishing for workers at the mill, Ferreira said. If there are problems on the beach, she said she thinks commissioners can come up with a better solution.

"That's no reason to shut down these public accesses," she said.

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Area residents Bob and Cheryl Duttweiler and their dog Chesney come to Peter's Point Park to walk on the beach almost every day. Peter's Point Park has a parking lot and vehicle access to the

beach.
BOB MACK/The Times-Union



Brevard County (FL)

ARTICLE III. MARINE TURTLE PROTECTION*

Sec. 46-92. Enforcement and penalty.

Any person violating this article shall, upon conviction be subject to a fine not to exceed \$500.00 or imprisonment in the county jail not to exceed six months, or both such fine or imprisonment.
(Code 1979, § 11-17.1(7); Ord. No. 93-15, § 1(11-17.1(7)), 6-22-93)

Area residents Bob and Cheryl Duttweiler and their dog Chesney take the dunewalk at the park.
BOB MACK/The Times-Union

Sec. 46-93. Purpose.

The purpose of this article is to protect the threatened and endangered marine turtles which nest along the unincorporated beaches of the county by safeguarding the nesting female and hatchling marine turtles from sources of artificial light.
(Code 1979, § 11-17.1(2); Ord. No. 93-15, § 1(11-17.1(2)), 6-22-93)

Sec. 46-97. Prohibition of activities disruptive to marine turtles.

The following activities involving direct illumination of portions of the beach shall be prohibited on the beach at nighttime during the nesting season from the protection of the nesting females, nests, and hatchling marine turtles:

(1) The operation of all motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for marine turtle conservation or research.

(2) The building of campfires or bonfires.

(3) Any transient lighting which purposely and flagrantly illuminates nesting sea turtles, or hatchlings such that it disrupts their behavior patterns. This prohibition does not apply to individuals with appropriate permits from federal and state agencies.

Chapter 106 TRAFFIC AND VEHICLES*

ARTICLE I. IN GENERAL

Sec. 106-1. Definitions.

The definitions applicable to F.S. ch. 316 apply to this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Designated parking space means any parking space posted with a sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both such symbol and caption.

Disabled person means any person with severe physical disability and having temporary or permanent mobility problems that substantially impair their ability to ambulate and who has been issued either a parking permit under F.S. § 316.1958 or § 320.0848 or a license plate under F.S. § 320.084, § 320.0842, § 320.0843 or § 320.0845.

Official signs means any sign which is placed or erected by the authority of a public body having jurisdiction for the purpose of regulating traffic or parking.

Public parking space means any parking space on private property which the owner, lessee, or person in control of such property provides for use by members of the public other than employees of such owner, lessee or person, including, but not limited to, parking spaces at shopping centers, stores, offices, motels, malls, restaurants and marinas.

(Code 1979, § 20-60; Ord. No. 97-47, § 1, 12-2-97)

Cross references: Definitions generally, § 1-2.

Sec. 106-2. Vehicles on public beaches.

(a) The following terms and words shall have the following meanings for the purpose of this section:

Authorized vehicles means vehicles of the fire department, fire patrol, police vehicles, and emergency vehicles of the county and the various municipalities located within the county; ambulances and motor vehicles that are authorized as emergency vehicles by the department of highway safety of the state, the county, and the various municipalities of the state; motor vehicles of the sheriff of the county; motor vehicles authorized by the county and the various municipalities located within the county to be exempt from the restrictions of this section in performing a public function; and vehicles designed to aid the physically handicapped.

Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is over 20 inches in diameter, including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

***Motor vehicle* means every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.**

***Operated* means the actual physical control of a motor vehicle or the exercise over or steering of a vehicle being towed by a motor vehicle.**

(b) It shall be unlawful for any person to park or operate any motor vehicle, excluding a bicycle and an authorized vehicle, upon the public ocean beaches in the unincorporated areas of the county.

(c) Any person violating the provisions of this section shall be punished as provided in section 1-7.

(Code 1979, §§ 20-55--20-57)

Cross references: Use of county property by track vehicles, § 74-1; park use, § 78-76 et seq.; waterways, ch. 122.

Sec. 106-3. Off-the-road vehicles.

(a) As used in this section, the term "off-the-road vehicle" shall mean any motor-propelled vehicle, including four-wheel drive vehicles, jeeps, dune buggies, motorcycles, minibikes and every other description of motor-propelled vehicle used or capable of being used as a means of transportation over land areas not graded or paved for use as a road; except that such term shall not be construed to include vehicles which are being utilized for the maintenance of property, such as riding lawnmowers, tractors, trucks or similar vehicles.

(b) No off-the-road vehicles shall be operated over land areas within the unincorporated areas of the county not graded or paved for use as a road and located within 300 feet of any residence, except with the permission of the owner or occupant of the residence.

(c) Any person willfully and knowingly violating any of the provisions of this section shall be punished as provided in section 1-7.

(Code 1979, §§ 22-26--22-28)

Cross references: Use of county property by track vehicles, § 74-1; park use, § 78-76 et seq.; waterways, ch. 122.

State law references: Restrictions on operation of all terrain vehicles, F.S. § 316.2074.

Indian River County (FL)

Found nothing in their code about beach driving

Found Reg's for Vero Beach, which is within Indian River County:

**CODE
City of
VERO BEACH, FLORIDA**

**Codified through
Ord. No. 2006-18, enacted Oct. 3, 2006.
(Supplement No. 10)
Chapter 74 TRAFFIC AND VEHICLES*
DIVISION 1. GENERALLY**

Sec. 74-31. Driving on beach prohibited.

(a) It shall be unlawful for any person to operate, drive, or propel any automobile, motorcycle, or other motor vehicle upon or over the beach adjacent to the Atlantic Ocean lying within the corporate limits of the city except for authorized vehicles.

(b) The word "beach," for the purpose of this section, is defined as that area lying between the water line of the Atlantic Ocean at low tide to the point west thereof to the coastal construction setback line.

(Code 1982, § 36.10; Ord. No. 84-26, § 1, 10-16-1984)

Cross references: Beaches, § 46-91 et seq.

**CODE OF ORDINANCES
County of
ST. LUCIE, FLORIDA**

**Codified through
Ord. No. 06-049, enacted Oct. 17, 2006.
(Supplement No. 76)**

**Chapter 2-12 PARKS AND RECREATION
ARTICLE II. BEACH PRESERVATION ACT**

Sec. 2-12-16. Title.

This act [article] may be known and cited as the St. Lucie County Beach Preservation Act.

(Laws of Fla., Ch. 61-2755, § 1)

Sec. 2-12-17. Legislative findings; purpose.

It is hereby found as a matter of legislative determination that ocean beaches, in good condition and available in sufficient quantity to the public, are vitally important to the economy and the well-being of the people of St. Lucie County. It is further found that, through continuing physical deterioration and exclusion from public use, much of the value of ocean beaches is being lost; while at the same time life and property--public and private alike--along the ocean front is constantly jeopardized by conditions increasingly conducive to damage from storm and flood. **It is, therefore, the purpose of this act [article] to provide for a beach restoration and preservation program for St. Lucie County or such parts of the county as may be identified pursuant to the provisions herein. For purposes of this act [article], beach preservation shall include--but not be limited to--erosion control, coastal flood control, shoreline and offshore rehabilitation, public beach acquisition, public beach development, public beach use-regulation, and regulation of work and activities likely to affect adversely the physical condition of the beach.** These and related purposes are hereby found to be necessary, proper and legitimate public and county purposes.

(Laws of Fla., Ch. 61-2755, § 2)

Sec. 2-12-33. Article to be liberally construed.

The provisions of this act [article] shall be liberally construed by all concerned in a manner to best accomplish the purposes and program as defined in section 2 [2-12-17].

I found nothing specific to beach driving in St. Lucie

**CODE OF ORDINANCES
City of
DAYTONA BEACH SHORES, FLORIDA**

**Codified through
Ord. No. 2006-28, enacted Nov. 8, 2006.
(Supplement No. 13)**

**ARTICLE IV. VEHICULAR TRAFFIC REGULATIONS FOR ATLANTIC
OCEAN BEACH***

***Editor's note:** Ord. No. 86-5, § 1, adopted Feb. 12, 1986, repealed Ord. No. 85-7, adopted Feb. 27, 1985, and Ord. No. 85-50, adopted Sept. 11, 1985, from which former art. IV, §§ 22-43--22-50, relative to vehicles on the beach, derived. Section 2 of Ord. No. 86-5 enacted a new art. IV to read as herein set out in §§ 22-43--22-51.

Cross references: Beach concessions, ch. 6; beach safety regulations, ch. 7; motor vehicles on beach, § 7-10; vehicular traffic prohibited in parks during certain hours, § 16 1/4-62.

Sec. 22-43. Reserved.

Editor's note: Emergency Ord. No. 87-40, § 2, adopted Dec. 16, 1987, repealed former § 22-43, relative to vehicles on the Atlantic Ocean beach, which derived from Ord. No. 86-5, § 2, adopted Feb. 12, 1986. Subsequently, Ord. No. 88-4, § 1, adopted Jan. 27, 1988, permanently repealed § 22-43.

Sec. 22-44. Traffic lanes established.

No motor vehicle, including mopeds, motorcycles or other power-driven vehicles of any size whatsoever, or bicycles, shall stand or move outside of the traffic lanes established herein. There are hereby established two traffic lanes on the Atlantic Ocean beach for motorized vehicles traveling north and south on the Atlantic Ocean beach. The total of the two driving lanes shall be approximately 30 feet wide. Traffic control signs shall be placed in such a manner as to mark the driving lanes and shall prohibit driving outside of those lanes and provide for the speed limit and such other warnings as the city manager may deem appropriate. The traffic lanes shall be moved and modified as to size as reasonably necessary to accommodate tidal conditions, conditions of soft sand or weather or other similar natural conditions that affect the placement of traffic lanes and parking by the city manager and/or his designee.

(Ord. No. 86-5, § 2, 2-12-86)

Sec. 22-45. Parking areas.

It shall be unlawful for any motorized vehicle, including mopeds, motorcycles or any other motor-driven vehicle of any kind whatsoever, or bicycles, to park or stand on the Atlantic Ocean beach except within designated parking areas west of the traffic lanes as established in section 22-44. It shall be unlawful for any motorized vehicle, moped, motorcycle or any other motorized vehicle of any size whatsoever or bicycles to park within or easterly of the traffic lanes established in section 22-44. Roving concessionaire vehicles as licensed and described by the city ordinances may stand in the traffic lanes to conduct business, but in such a manner so as not to impede movement.

(Ord. No. 86-5, § 2, 2-12-86)

Sec. 22-46. Lying in traffic lanes or parking areas; playing games near traffic lanes.

It shall be unlawful for any person to recline or lie in the sand or sit within the traffic lanes as described in section 22-44. It shall be unlawful for any person to lie in the sand in the parking areas west of the driving lanes. Further, it shall be unlawful for any person to throw Frisbees or balls or play any other form of game or otherwise endanger themselves or vehicles within or near the traffic lanes as established in section 22-44.

(Ord. No. 86-5, § 2, 2-12-86)

Sec. 22-47. Reserved.

Editor's note: Emergency Ord. No. 87-26, § 3, adopted May 27, 1987, repealed § 22-47, relative to the establishment of traffic-free zones, which derived from Ord. No. 86-5, § 2, adopted Feb. 12, 1986. Subsequently, Ord. No. 87-27, § 2, adopted June 24, 1987, permanently repealed § 22-47.

Sec. 22-48. Restriction of access.

The city, through its public safety departments, may prohibit or restrict access to vehicular traffic, including but not limited to requiring one-way traffic or otherwise restricting or prohibiting parking or driving on the beach, along the Atlantic Ocean beach, as the public health, safety and welfare may make reasonably necessary.

(Ord. No. 86-5, § 2, 2-12-86)

Sec. 22-49. Exemption.

Government vehicles, or vehicles under contract to the city to provide governmental services, being used in their official capacity, are exempt from the provisions of this article.

(Ord. No. 86-5, § 2, 2-12-86)

Sec. 22-50. Penalty for violation of article.

Any person who violates any of the provisions of this article and shall have been convicted thereof shall be punishable by a fine not to exceed \$500.00 or by imprisonment not to exceed 60 days, or both.

(Ord. No. 86-5, § 2, 2-12-86)

Sec. 22-51. Towing of vehicles.

The provisions of article II (Impoundment of Vehicles), sections 22-22 through 22-27, [as derived from] Ordinance No. 82-12, shall apply to vehicles in violation of this article.

(Ord. No. 86-5, § 2, 2-12-86)

**CODE OF ORDINANCES
City of
JACKSONVILLE BEACH, FLORIDA**

**Codified through
Ord. No. 2006-7923, enacted May 15, 2006.
(Supplement No. 24)**

ARTICLE I. IN GENERAL

Sec. 6-1. Bulkhead plat.

The plat on file in office of city engineer is approved as, and shall constitute, the official plat of the official bulkhead line of the city, for ocean front lots of lands, within the limits of the city and abutting the Atlantic Ocean.

(Code 1955, § 6-1)

Editor's note: The original bulkhead line is printed herewith for the purpose of historical reference.

"That the line hereinafter described and as established by Ellis, Curtis & Kooker, City Engineers, under date of December 10th, A.D. 1913, be, and the same hereby is, approved and adopted as the bulkhead line of lands in the City of Pablo Beach, abutting upon the Atlantic Ocean between the extreme points North and South as fixed in said description, to wit: Commencing at city limits, at a point on the south side of Wakulla Avenue two hundred ninety feet from the east side of First Street and running thencesouth on a straight line to a point on the south line of Sumpter Avenue, 219.8 feet from east side of First Street; thence on a curve 1°30' for three hundred feet to a point on south side of Monroe Avenue two hundred thirteen feet from east side of First Street; thence two hundred ninety-five feet along present concrete bulkhead which has been built on east line of Block 81, Pablo Beach, north; thence on a curve of ten minutes for three hundred feet (one hundred feet south of south end of present bulkhead on last [east] line of Block 81, Pablo Beach, north is two hundred eight feet from lot line between lots one and two block seventy-one, Pablo Beach north, on east side of First Street); thence on a straight line to a point on south side of Dickerson Avenue, one hundred ninety-nine feet from First Street; thence on a straight line to a point on south side of Jones Avenue 547.6 feet for east side of Second Street; thence on a curve of twenty minutes for three hundred feet to a point on center of Suwannee Avenue, 563.2 feet from Second Street thence on a straight line to a point on North side of Hillsboro Avenue five hundred ninety feet from Second Street, being the city limits.

Sec. 6-2. Airplanes using beaches.

(a) *Use of beach.* **It shall be unlawful for any person to start or take off or alight from or on any part of the ocean beach within the city, in an airplane, except as hereinafter provided.**

(b) *Permits.* **The city manager may grant permission in writing on extraordinary occasions for persons to start or take off or alight from or on any part of the ocean beach, provided each such permit shall authorize one flight only.**

(c) *Government use.* Nothing contained in this section shall be taken to prohibit the starting, taking off or landing of airplanes belonging to the United States Government, from or on such part of the ocean beach.

(Code 1955, § 6-4)

Sec. 6-3. Horses prohibited on beach during certain months.

It shall be unlawful for any person to ride or exercise any horse on any portion of the public beach east of the established bulkhead within the city limits, from April first of each year to October first of the same year.

(Code 1955, § 6-4.1)

ORDINANCE CODE
City of
JACKSONVILLE, FLORIDA

All bills enacted through Nov. 7, 2006.
(Supplement No. 21)

**Chapter 28 PARKS, RECREATION, ENTERTAINMENT, AND
CONSERVATION DEPARTMENT***
PART 8. RULES AND ENFORCEMENT*

***Editor's note:** Ord. 2005-917-E, § 3, amended the Code by adding a new Part 5, §§ 28.501--28.527. At the direction of the City, the editor has redesignated the provisions as Part 8, §§ 28.801--28.827.

Sec. 28.801. Definitions.

In this Part, unless the context otherwise requires:

(a) ***Beach*** means the zone of unconsolidated material that extends landward from the mean high-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Sec. 28.821. Vehicles and bicycles.

(a) It shall be unlawful for any person, other than authorized personnel, operating a vehicle, including bicycles and other human-powered devices or wind or motorized recreational vehicles, in any park, beach or other recreational facility to fail or refuse to obey all traffic signs or other traffic-control devices regulating the operation, stopping or parking of vehicles. This Section shall not apply to those operating motorized wheelchairs, vehicles designed to assist people with disabilities, and City registered Park vehicles.

(b) **It shall be unlawful for any person, other than authorized personnel, to park or drive a motorized vehicle or motorized recreational vehicle on lawns, fields, beaches or any places other than upon roadways and parking areas clearly constructed and established for such purposes within any park, beach, dock, marina or other recreational facility.**

(c) **It shall be unlawful for any person, other than authorized personnel, operating a motorized vehicle or motorized recreational vehicle, in any park, beach, dock, marina or other recreational facility to ride anywhere except upon roadways, sidewalks, bike paths, parking areas, and other designated trails and pathways which have not been closed to such traffic by the Director.** The operation of remote control cars, boats, airplanes, go-carts and skateboards shall be permitted in designated areas of designated parks only.

(Ord. 2005-917-E, § 3)

CODE OF ORDINANCES
County of
FLAGLER, FLORIDA

Codified through
Ord. No. 06-07, adopted March 20, 2006.
(Supplement No. 36)

Chapter 7 BOATS, BEACHES AND WATERWAYS*

Sec. 7-3. Vehicular traffic on beach.

(a) *Definitions.* For purposes of this section:

Available off-beach parking means the total off-beach parking and dedicated beach access parking.

Coastal beach means any beach fronting on the Atlantic Ocean under the jurisdiction of the board of county commissioners.

Dedicated beach access parking means an existing public parking space located within a publicly owned area and available for use by the public in accessing the coastal beach.

Dedicated public access means an existing publicly owned area available for providing access to the public to the coastal beach.

Off-beach parking means any existing public parking space located totally or partially within a radius of two hundred (200) yards of a dedicated public access to the coastal beach. The two-hundred-yard radius shall be measured from the intersection of the centerline of the dedicated beach access and either the seaward edge of the general vegetation line or the first line of structures located landward of the coastal beach, whichever is further seaward. Where dedicated beach access parking is intersected by the two-hundred-yard radius, then all public parking spaces within the dedicated beach access parking shall be included as available off-beach parking.

Public parking area is any area owned or operated by the county containing two (2) or more public parking spaces, including designated on-street parking.

Public parking space means any visually delineated parking space, open to the general public, owned or operated by some governmental entity, of sufficient size, approximately nine (9) feet by eighteen (18) feet, to accommodate a standard-sized passenger vehicle. Where not visually delineated, a public parking space shall be determined by dividing the total square footage of a public parking area by three hundred (300) square feet, which represents the square footage of a parking space including maneuvering space. Parallel parking space shall be construed to be twenty-two (22) feet long and angle parking shall be construed to be nine (9) feet wide.

Vehicle means any motorized conveyance with two (2) or more wheels for transporting persons or property.

(b) Vehicular traffic, except for county authorized and emergency vehicles, will no longer be allowed on the coastal beach in Flagler County.

(Ord. No. 89-16, 9-18-89; Ord. No. 2004-24, § 1, 12-21-04)

Cross references: Environmental control and protection, Ch. 13; traffic, Ch. 29.

State law references: Authority to allow vehicular traffic on beaches, F.S. § 161.58.

**MARTIN COUNTY CODE
VOLUME 1
CODE OF ORDINANCES**

**Codified through
Ord. No. 710, enacted Aug. 1, 2006.
(Supplement No. 8)**

**Chapter 17 BEACHES, PARKS AND RECREATION*
ARTICLE 1. IN GENERAL**

Sec. 17.4. Penalties.

Violation of any provision of this chapter is a misdemeanor pursuant to F.S. § 125.69, and may be punishable by imprisonment for up to 60 days or a fine of up to \$500.00, or both.

(Code 1974, § 5-4; Laws of Fla. ch. 61-2474, § 4; Ord. No. 631, pt. 1, 6-24-2003; Ord. No. 639, pt. 1, 1-13-2004)

Sec. 17.7. Prohibition of motor vehicle traffic on public beaches in County.

17.7.A. The Board of County Commissioners of Martin County may adopt rules and regulations limiting, restricting, controlling or prohibiting the operation of motor vehicles upon any and all or any part of the public beaches in the unincorporated areas of Martin County.

17.7.B. As used in this section:

Motor vehicles means every device, which is propelled by power (other than muscular power), in, upon or by which any person or property is or may be transported, excluding any device used to assist a disabled person as defined pursuant to the Americans with Disabilities Act or Florida Statutes.

Public beaches means all that part of the shore of the Atlantic Ocean in said County extending from the line of vegetation to the waters of the Atlantic Ocean.

17.7.C. It is unlawful, for any person to operate a motor vehicle upon the public beaches in the unincorporated areas of Martin County or any part thereof. All-terrain vehicles operated by employees or agents of Martin County Board of County Commissioners are allowed for the maintenance and monitoring of beaches.

(Code 1974, § 5-7; Laws of Fla. ch. 67-1701, §§ 1--4; Ord. No. 631, pt. 1, 6-24-2003; Ord. No. 639, pt. 1, 1-13-2004)

Cross references: Motor vehicles and traffic, ch. 115.

State law references: Vehicular traffic on coastal beaches, F.S. § 161.58

**CODE
County of
PALM BEACH, FLORIDA**

**Codified through
Ord. No. 06-037, adopted Aug. 23, 2006.
(Supplement No. 55)**

Chapter 19 MOTOR VEHICLES AND TRAFFIC*

ARTICLE I. IN GENERAL

Sec. 19-1. Motor vehicles on beaches.

(a) In this section the following terms shall have the following meanings:

(1) *County beach* means any upland real property above the mean high waterline of any tidal water contiguous to the boundaries of the county, outside of municipalities, which is owned by the county.

(2) Motor vehicle includes automobiles, trucks, trailers, campers, motorcycles, tractors, dune buggys, wagons or any machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and transports persons or property or pulls machinery.

(b) It is unlawful to operate any motor vehicle upon the county beaches without a permit. This subsection does not apply to county-owned parking areas so designated by posted signs.

(c) Permits to operate a motor vehicle upon county beaches may be obtained for valid commercial and public uses upon application to the office of the county engineer.

Chapter 21 PARKS AND RECREATION*

ARTICLE II. PARK RULES*

Sec. 21-18. Definitions.

The following terms when used in this article shall have the meanings ascribed to them in this section:

***Beach, water area, waterparks or pool.* Any beach, water area, waterpark or pool designated by the board of county commissioners as such, within any park property, either on the ocean or inland, including the actual sand beach, if any, used for swimming and wading.**

Department. The term "the department" when used herein is defined as the "Palm Beach County Parks and Recreation Department."

Director. The terms "director" or "parks director" when used hereinafter are defined as the director of the county parks and recreation department or his designee.

Exotic animal. A non-native animal species that occurs in South Florida, as a result of direct or indirect, deliberate or accidental actions by humans, which may include, but not be limited to, domestic, semi-domestic or feral animals.

Native animal. An animal species that occurs naturally in or is indigenous to South Florida.

***Park.* The terms "park," "parkways," "recreational areas," "natural areas," "marinas" and "areas operated and maintained by the department" may include, but is not limited to, parks, wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses, community centers, museums, auditoriums, ranges, lakes, streams, canals, lagoons, waterways, pools, waterparks, water areas and beaches therein and all on grounds, water areas, buildings and structures in the county which are under the control of or assigned for upkeep, maintenance or operation by the department.**

Parking area. Any designated part of any park road, drive or area that is designated for the standing or stationing of any vehicles.

Park property. The term "park property" is defined to cover all areas, grounds, buildings, locations and facilities described in the definition for "park."

Permit. The term "permit" means a document or certificate provided by the department granting permission for use of reserved park/facility areas and which sets forth terms and conditions applicable thereto.

Person. The word "person" includes natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups and combinations.

Vehicle. The term "vehicle" means any wheeled conveyance (except a baby carriage or wheelchair) for transportation of persons or materials whether:

- (1) Powered or drawn by motor such as an automobile, truck, motorcycle, scooter, minibike, or recreational vehicle;
- (2) Animal-drawn such as a carriage, wagon, or cart;
- (3) Self-propelled such as a bicycle, tricycle, or skateboard; or
- (4) Towed such as a trailer of any size, kind or description.

"Vehicle" does not include any recreational or park transportation service operated or authorized by the department.

(Ord. No. 04-022, § 3, 8-17-04)

Sec. 21-19. Regulation of vehicles within parks.

- (a) All applicable state or local vehicle laws are enforceable within park property.
- (b) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic and parking laws of this county including the county parking ordinance, codified in chapter 19 of the County Code, as may be amended, and enforce all rules and regulations set forth by the department within park property. Park personnel, authorized and designated by the director, may direct traffic and enforce the rules and regulations set forth by the department with park property.
- (c) The director shall determine and all persons shall carefully observe and obey all traffic signs indicating speed, direction, caution, stopping, or parking, and all other signs posted for proper control and the safeguarding of life and property.
- (d) Notwithstanding paragraph (a) above, where a public road traverses a county park, said road shall be open to all through traffic permitted on any county road or highway, but such through traffic shall conform to park speed and traffic regulations.
- (e) No person driving, operating, controlling or propelling any vehicle whether motorized, horse drawn, or self-propelled, shall use any other than the regularly designated paved or improved park roads, pathways, trails, or driveways, except when directed to do so by a law enforcement officer or department employee or by official signs or markings. No driver or operator of any vehicle shall obstruct traffic or stop on any road or driveway except those places so designated.
- (f) No person shall park a vehicle on park property at any place other than in the regular designated facilities provided for that particular type of vehicle, unless directed otherwise by a law enforcement officer or department employee or by official signs or markings. No driver or operator of any vehicle shall park on any road or driveway except those places so designated. No driver or operator of any vehicle shall leave a vehicle parked on any road, driveway or park property after posted closing hours.

(g) No truck, commercial vehicle or bus shall be driven on any restricted service road or property without prior authorization from the department for the purpose of park work, service, or activities.

(h) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle (ATV), scooter, minibike or similar vehicle on any but the regular vehicle roads except for those areas designated for such a specified use. The designated bicycle trails shall be used only by pedestrians and bicycles and other vehicles propelled by human power. It is expressly provided that no vehicles, motorcycles, scooters, minibikes, or similar vehicles shall be ridden on the designated nature trails located within the county parks. No person shall deviate from compliance with all applicable vehicle laws and regulations governing the operation of the above vehicles while on park property.

(i) No person shall change parts, repair, wash or grease a vehicle on any park roadway, parkway, driveway, parking lot or other park property. No driver of a vehicle using gasoline or any other explosive mixture as source of power shall at any time fail to use an adequate muffler or sound deadening device.

(Ord. No. 04-022, § 4, 8-17-04)

Sec. 21-38. Permits.

The director has the authority to develop permitting systems and related rules and regulations for the use of park facilities. Violations of permit requirements shall result in suspension or revocation of such permit.

(Ord. No. 04-022, § 23, 8-17-04)

Sec. 21-44. Park hours.

(a) Except for unusual and unforeseen emergencies and twenty-four-hour boat launching, fishing and camping areas, all parks shall be open to the public every day of the year during hours designated by the director. The opening and closing hours shall be posted at each park in order to give notice to the public.

(b) The director, acting as agent of the board of county commissioners, may declare any section or part of any park closed to the public at any time and for any interval of time, either temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely for certain uses.

(c) No unauthorized person shall be or remain within park property during those hours when the park is closed.

(d) No person shall enter upon park property which is under construction, in a state of disrepair, or withheld from general public usage in the interest of public safety, health and/or welfare.

Sec. 21-46. Penalties.

Failure to comply with the provisions set forth in this article shall constitute a violation of a county ordinance and shall be punished upon conviction, pursuant to F.S. § 125.69(1), by a fine not to exceed five hundred dollars (\$500.00) per violation per day for as long as the violation continues or imprisonment not exceeding sixty (60) days, or both fine and imprisonment. Violations of this article that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

CODE OF ORDINANCES
Town of
PALM BEACH, FLORIDA
Codified through
Ord. No.1-06, enacted March14, 2006. (Supplement No. 7)

Sec. 74-195. Motor vehicles.

No motor vehicle shall be driven upon the beaches or over dune areas adjacent to beaches without the previous written consent of the chief of police.

(Code 1982, § 14-57)

Cross references: Traffic and vehicles, ch. 118.

CODE
County of
BROWARD, FLORIDA
Codified through
Ord. No. 2006-43, enacted Dec. 12, 2006.
(Supplement No. 15)

Chapter 23 MOTOR VEHICLES AND TRAFFIC*

ARTICLE I. IN GENERAL

Sec. 23-4. Operation of motor vehicles on public beaches prohibited; definitions; penalty;exceptions.

(a) *Definitions.*

(1) *Motor vehicle:* Any vehicle which is self-propelled by any means whatsoever.

(2) *Public beach:* The sandy area along the shore of the Atlantic Ocean lying seaward from the line of vegetation to the sea, or, in the case of a beach having no discernible vegetation line, the area formed by wave action, not to exceed two hundred (200) feet in width (measured inland from the point of mean high tide).

(3) *Line of vegetation:* The extreme seaward boundary of natural vegetation which typically spreads continuously inland.

(b) *Prohibition.* It shall be unlawful for any person to operate any motor vehicle upon any public beach located within Broward County, Florida.

(c) *Penalty.* Any person violating the provisions of this section shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment.

(d) *Exceptions.* This section shall not apply to any motor vehicle owned or operated by any municipality, county, the State of Florida or the United States of America and being utilized for a public purpose or to any motor vehicle being used to provide services to any of the foregoing governmental entities.

(Ord. No. 77-64, §§ 1--4, 11-2-77)

Editor's note: Ord. No. 77-64, §§ 1--4, adopted Nov. 2, 1977, did not specifically amend the Code. Codification herein as § 23-4 was, therefore, at the discretion of the editor.

**CODE
of
MIAMI-DADE COUNTY, FLORIDA**

**Codified through
Ord. No. 06-115, enacted July 18, 2006.
(Supplement No. 51)**

Sec. 26-1. Rules and regulations adopted.

Rule 1. Definitions

When used herein the following definitions shall apply:

(a) The terms "Parks," "Parkways," "Recreational Areas," "Marinas" and other "Areas Operated and Maintained by the Miami-Dade County Park and Recreation Department" are defined to mean parks, wayside parks, parkways, playground, recreation fields, museums, auditoriums, ranges and buildings, natural areas, forests or preserves, lakes, streams, canals, lagoons, waterways, water areas and beaches therein and all public service facilities conducted on grounds, buildings, and structures in Miami-Dade County that are under the control of or assigned for upkeep, maintenance or operation by the Miami-Dade County Park and Recreation Department, and all beaches and ocean areas available to the public in the unincorporated area of the County.

(b) The term "Park Property" when used hereinafter is defined to cover all areas, buildings, locations, and facilities described in the foregoing paragraph.

(c) The terms "Park Department," "the Department" when used hereinafter are defined as "The Miami-Dade County Park and Recreation Department" and the term "Department Director" refers to the Director of said Department

(d) The term "Department Employee" refers to individuals employed by the Park and Recreation Department with responsibilities for the safe management, security, operation or maintenance of park facilities.

(e) In construing the provisions hereof and each and every word, phrase or part thereof where the context will permit, the definitions provided in Sections 1.01 Florida Statutes shall apply.

(Ord. No. 59-14, Rules, Definitions, §§ 1, 2, 6-16-59; Ord. No. 74-85, § 1, 10-1-74)

TRAFFIC

***Rule 2. Traffic ordinances and state vehicle laws* The traffic ordinances of this County [Chapter 30 of this Code] and applicable State Vehicle laws shall apply in and about all park property and in addition thereto the traffic regulations contained in this section shall be applicable.**

(Ord. No. 59-14, Rules, Art 2, § 2, 6-16-59)

Rule 3. Roads and driveways within parks

(a) No person driving, operating, controlling or propelling any vehicle, motorized, horse drawn or self-propelled, shall use any other than the regularly designated

paved or improved park roads or driveways, except when directed to do so by a police officer or department employee. The provisions of this subsection shall not apply to the use of any self-propelled wheelchair, power wheelchair, electric scooter, or other mobility device by an individual with a mobility impairment.

(b) No driver operator of any vehicle shall obstruct traffic or park or stop on any road or driveway except at a place so designated or in case of an emergency beyond his control. If so caused to stop or park for more than fifteen (15) minutes the operator shall report such fact to an officer or park employee. At places so designed and clearly marked, a vehicle may be stopped for a period of no more than fifteen (15) minutes in order for the occupant to view the scenic features.

Florida State Parks: All Florida State Parks are managed under the “State of Florida Department of Environmental Protection”

(<http://www.dep.state.fl.us/parks/planning/plans.htm>)

Amelia Island:

Amelia Island is the only state park in Florida that allows horseback riding on the beach. **Motor vehicles have traditionally been allowed on the beach at Amelia Island State Recreation Area.** A vehicle access point to the Nassau Sound shoreline is provided adjacent to the abutment of the new bridge, and, before recent erosion made it unsafe, vehicles were also able to enter the state recreation area along the Atlantic beach at the northern boundary. **Vehicular access to the beach is not allowed during bird nesting season, which usually occurs from April through October. To balance public access with the protection of nesting habitat, a beach parking zone extending 500 feet south of the northern boundary of the park has been designated for vehicles arriving at the boundary from northern Amelia Island beach access points during the nesting season restriction period.** Currently, the eroded condition of the beach precludes driving of vehicles along the full length of the shoreline, even when the bird nesting restrictions are not in place. (website: <http://www.dep.state.fl.us/parks/planning/plans.htm>)

Anastasia State Park:

Mr. Bill Sabo, a local fisherman, fishing columnist for the *St. Johns Record*, and user group representative, reported that he receives many complaints about the change in access to Conch Island’s northern point. He pointed out the difficulty in getting equipment out to a fishing spot and the suggested bicycle access is not convenient. Since it is obvious that beach driving will not be reinstated, fisherman would like reassurance that the dock and shelter facilities at the end of the island will be built. There is some mistrust based on a previous plan for a road on Conch Island’s west side. Lew Scruggs replied that such a road would not be permitted but plans for the dock, pavilion and composting toilet are in the design and permitting phase. The target date for starting construction, based on receiving the permitting, is the first of the year. The funding is in place. Mr. Sabo said that people would be satisfied if this does get done. He also requested that the harbor shuttles pick up at the park and handicapped access is provided to some part of the jetty. J.B. Miller replied that the harbor shuttle concessionaire is willing to work out convenient access points. However, J.B. Miller is doubtful that Salt Run could be dredged to allow harbor shuttle access. Paul

Anastasia State Park
Land Management Review Report
LMR Review Date—June 13, 2002
Recommendations and Checklist Findings

3. The team recommends that beach driving be permanently prohibited for the safety and enjoyment of park visitors and for the protection of the natural resources

Manager's Response: Agree. However, the Department has not made a final decision on this issue. The issue of beach driving will be evaluated during the UMP process. Any final decision and position will be made in the next updated UMP after opportunity for public input at the Public Workshop and Advisory Group meetings and future in-house discussions. At the present time, beach driving is prohibited in the park. We don't expect to modify this position as we are aware of the important safety issues and they will be of paramount concern in making the final decision. The impacts on natural resources will also be evaluated during the UMP development process.

Anclote Key Preserve State Park:

In spite of their ability to withstand the harsh maritime environment, plants of the Beach Dunes are extremely vulnerable to human impacts. A footpath or off-road vehicle trail over the beach dunes can damage the vegetation, giving wind and water the leverage needed to begin erosional processes. A gap, or blowout, forms and continually widens until it is slowly revegetated and stabilized. The sand from the gap moves inland, and rapidly buries vegetation, destabilizing the beach dunes and often disturbing adjacent communities. When a storm ensues, the unvegetated gap allows storm surges easy access to these communities for further disruption. Because of their vulnerability, Beach Dunes require protection from trampling (i.e., boardwalks for beach access) and off-road vehicles. Coastal developments which affect the sand sources that are necessary for Beach Dune replenishment should be strongly discouraged.

Avalon State Park:

Past Uses

Before acquisition by the state, the beach area had almost unlimited access and was used for swimming, fishing, picnicking, camping and other unmanaged activities. This unregulated public use, especially the operation of motorized vehicles, adversely affected its natural resources. Recent management activities have allowed native vegetation to re-establish itself.

In spite of their ability to withstand the harsh maritime environment, plants of the Beach Dunes are extremely vulnerable to human impacts. A footpath or off-road vehicle trail over the beach dunes can damage the vegetation, giving wind and water the leverage needed to begin erosional processes. A gap, or blowout, forms and continually widens until it is slowly revegetated and stabilized. The sand from the gap moves inland, and rapidly buries vegetation, destabilizing the beach dunes and often disturbing adjacent communities. When a storm ensues, the unvegetated gap allows storm surges easy access to these communities for further disruption. Because of their vulnerability, Beach Dunes require protection from trampling (i.e.,

boardwalks for beach access) and off-road vehicles. Coastal developments which affect the sand sources that are necessary for Beach Dune replenishment should be strongly discouraged.

Bahia Honda State Park:

Support facilities. Support facilities at Bahia Honda State Park include restrooms at the east and west beach use areas, parking for 156 vehicles at the east and 196 vehicles at the west beach use areas, campers bathhouses at each camping area, maintenance facilities, and park staff residences at three locations. Sewage disposal at the park is accomplished through small wastewater treatment plants, hybrid aerobic batch treatment systems and composting disposal technology with a greywater drainfield at the Sandspur camping area.

Planned Use of Adjacent Lands

The Sunshine Key development, located on Missouri Key, is planning to remove recreational vehicle camping facilities and convert their business to time-share and rental units in the future. The development of the Florida Keys Overseas Heritage Trail State Park will have a greater affect of on Bahia Honda State Park by increasing the numbers of visitors arriving at the park.

PURPOSE AND SCOPE OF THE PLAN

This plan serves as the basic statement of policy and direction for the management of Bahia Honda State Park as a unit of Florida's state park system. It identifies the objectives, criteria and standards that guide each aspect of park administration, and sets forth the specific measures that will be implemented to meet management objectives. The plan is intended to meet the requirements of Sections 253.034 and 259.032, Florida Statutes, Chapter 18-2, Florida Administrative Code, and intended to be consistent with the State Lands Management Plan. With approval, this management plan will replace the current approved plan of May 29, 1997. All development and resource alteration encompassed in this plan is subject to the granting of appropriate permits; easements, licenses, and other required legal instruments. Approval of the management plan does not constitute an exemption from complying with the appropriate local, state or federal agencies. **This plan is also intended to meet the requirements for beach and shore preservation, as defined in Chapter 161, Florida Statutes and Chapters 62B-33, 62B-36 and 62R-49, Florida Administrative Code.**

Significant Wildlife Habitat

The beaches on Bahia Honda Key are important nesting areas for sea turtles. Nesting terns uses portions of the island. Measures to exclude public disturbances of the areas during nesting periods are standard procedures in the park's visitor management activities.

Support Facilities

An additional restroom is needed to serve the volume of use that occurs at the west beach use area of the park. An RV camper's registration facility separate from the park entrance station should be considered to address traffic congestion problems that frequently occur at the park entrance. This small facility, including parallel parking for two or 3 oversized

vehicles and a registration booth, may be located along the **access road** to the standard camping area, or an alternative location may be incorporated in the redesign of transportation and entrance facilities, discussed above.

The Beaches are used for recreational activities, such as sunbathing and fishing, and as access areas for swimming and wading.

Because of the unique location of the Beaches and their value for recreational activities, other uses are not practical and interpretations have not been provided.

BIG TALBOT ISLAND STATE PARK and LITTLE TALBOT ISLAND STATE PARK UNIT MANAGEMENT PLAN

The visual resources of the state parks are exceptional. The experience of A1A winding through the two parks presents a rare opportunity to drive, walk or bicycle through mature maritime hammock and scrub communities on Big Talbot and Long Islands, and through the beach dune community along the southern half of Little Talbot Island. The interior the park of offers outstanding opportunities for study of many of Florida's unique coastal plant communities. Viewpoints along the ocean and marsh shorelines of the parks provide expansive vistas, occasionally intruded upon by modern development, such as the Jacksonville Utilities Authority power plant and the ships and structures of Mayport Naval Air Station to the west and south. The visual character of these state parks provides a very high-quality setting for nature observation, scenery appreciation and nature photography. **(Highway A1A cuts directly through the State Park, thus giving no reason to have beach driving)**

Fort Clinch State Park:

Natural and Cultural Resources

2(B) Eliminate signs of previous human disturbance in natural areas, with the exception of historical and archaeological resources. Human disturbances would include unnecessary roads and old dumpsites.

The Beach areas are considered “protected zones”, so no beach driving would be allowed; foot access is even limited in areas.

Fort Zachary Taylor Historic State Park:

Beach access is basically impossible give the erosion issues that the have been experiencing since 1991.

Gamble Rogers Memorial State Recreation Area at Flagler Beach:

State Road A1A, The Scrub Jay population, and the land topography do not offer themselves to beach driving in this park.

Hugh Taylor Birch State Park:

Highway A1A runs along the beach, so there is no need for beach driving

John D. MacArthur Beach State Park:

The beach is access by state road A1A; no beach driving

John Pennekamp Coral Reef State Park:

The beach is access by state road A1A only; no beach driving

John U. Lloyd Beach State Park:

The beach is access by state road A1A only; no beach driving

Sebastian Inlet State Recreation Area:

The beach is access by state road A1A only; no beach driving

**ST. LUCIE INLET PRESERVE STATE PARK UNIT
MANAGEMENT PLAN:**

St. Lucie Inlet Preserve State Park is located in Martin County about four miles southeast of Stuart. **Access to the park is by private boat or walking three miles north from Hobe Sound National Wildlife Refuge, which is located on the northern end of Jupiter Island** (see Vicinity Map).

Washington Oaks Gardens State Park:

A footpath or off-road vehicle trail over the beach dunes can damage the vegetation, giving wind and water the leverage needed to begin erosional processes. A gap, or blowout, forms and continually widens until it is slowly revegetated and stabilized. Access to the park is through state road A1A; no beach driving

Florida National Wildlife Refuges:

Lake Wales Ridge NWR does not allow any public access.

St. Johns NWR does not allow any public access.

Pelican Island NWR: Pelican Island can be viewed by boat. There are several public boat ramps to access the refuge waters by personal watercraft. **Access to the island itself is restricted to outside of the posted closed area signs around the island.**

Hobe Sound NWR – foot and bike access allowed in certain areas, but not all for habitat and animal population improvements (erosion issues, endangered species)

Merritt Island NWR – the Merritt Island CCP is currently only in draft form, and is not scheduled to be put into force until September 2007. It seems that the only driving allowed is on the “Black Point Wildlife Drive”.

ARM Loxahatchee NWR – per the CCP, driving on paved roads and shellrock roads only

Crocodile Lake NWR - All lands of the National Wildlife Refuge System will be managed in accordance with an approved comprehensive conservation plan that guides management by identifying goals, objectives, and strategies that will ultimately achieve refuge purposes. **Crocodile Lake Refuge was established as a closed refuge because of the sensitivity to disturbance of the threatened and endangered species inhabiting the area. Thus, general public access to the refuge is not allowed except for the butterfly garden located at the refuge headquarters.** Research of refuge resources is an ongoing priority and is allowed when it furthers knowledge of the refuge.

Great White Heron NWR – foot access only
(<http://www.fws.gov/southeast/GreatWhiteHeron/>)

Key West NWR - *What islands are open for public use?*

Two of the Key West NWR islands have portions of their beaches **closed to the public**. Portions of Woman Key and Boca Grande Key are posted as **closed for the sensitive habitat they contain**.

The remainder of the beaches, including those at the Marquesas Keys, are open during daylight hours for compatible, wildlife-oriented recreational uses such as wildlife observation, nature photography and environmental education. Camping is not allowed on refuge lands. How do I get to Key West NWR? Access is by boat only, personal, rental or guided. There are many commercial outfitters in Key West that offer trips to the refuge. One ecotour business has a permit to land on Woman Key.
(<http://www.fws.gov/southeast/KeyWest/>)

National Key Deer NWR – no driving of any kind; horses not even allowed; bicycles only allowed on certain trails by permit
(<http://www.fws.gov/southeast/pubs/Keydeer-tearsheet.pdf>)

Archie Carr NWR – This NWR is designated in segments as listed on: <http://www.cccturtle.org/florida.php?page=carrref> and runs along state road A1A. This NWR was designated solely for the repopulation of sea turtles (nesting season from March to September). Beach driving would be impossible, and unnecessary do its proximity to state road A1A, but parking lots do exist.

Georgia Regulations:

- I. State Code of Regulation Concerning Beach Driving
 - A. Rules of Georgia Department of Natural Resources Coastal Resources Division
 1. “By authority of the Conservation and Natural Resource Code O.C.G.A., Title 12, Rules 391-2-2, relating to Shore Protection, is amended by adding a new section, 391-2-2.03...Beach Driving Authorization”
 - a. The addition of law grants authority to the Board of Natural Resources to create rules and regulate the use of motor vehicles on the coastal shores to allow a beneficial use while protecting the shoreline habitat.
 2. Definitions of Importance to Beach Driving
 - a. “Wet Sand Beach” means the area below the high tide line that is cover with water when the tide is high during an average high tide. The wet sand beach does not include the area where the dry sand is covered with water during a spring or otherwise exceptionally high tide.
 - b. “Own or have an interest in real property” means to hold fee simple title, to have a life estate or other retained right, or to have a bona fide leasehold interest (other than a usufruct) for a term of one year or more, individually or as a partner or tenant in common, in and to a parcel of land”. This does not include having a rental agreement, license, or other right to use real property.
 3. How to get a right to use your vehicle on the beach
 - a. To use your vehicle on a beach in the state of Georgia, you must have a valid drivers license and be involved in one of the following activities (consistent with the public interest):
 - i. you “are engaged in bona fide educational activities or scientific research as such activities are defined in O.C.G.A. Section 27-1-2 (24) and (62), or other bona fide educational activities or scientific research, and that require beach driving
 - ii. you “are a legal resident or full-time resident on the island for which the authorization is requested”
 - iii. you “are involved in beach maintenance or security which makes driving a vehicle necessary”
 - iv. you “own or have an interest in real property on the island in question, or are the spouses, parents, children, grandchildren and other lineal descendants (and their spouses) of such individuals.
 4. What are you authorized to do with your vehicle
 - a. gives you a five year authorization from the date of issuance to drive on the beach

- b. a nontransferable authorization to drive on the beach (i.e. you cannot validly give your authorization to anyone else)
 - c. Authorization limited to certain areas of the dune fields and beaches. Access to the beaches is through specific points set by the Department of Natural Resources.
 - d. In general, authorization is only given to specific individuals (i.e. one authorization is not granted to multiple people).
 - e. Beach driving is allowed from May 1st to October 31st, a half an hour before sunrise to a half an hour after sunset). Some authorizations will allow night driving for the specific purposes of: scientific research, predator control, educational activities, or law enforcement.
 - f. You can only drive on the wet sand beach. The only time you can drive anywhere else is when there is something blocking your driving path, and then you can drive around it, and return right away to the wet sand beach. You can only get to the beach at the set access points.
 - g. Drive with caution to keep disturbance of the habitat low.
 - h. Speed limits are set at 25 mph from August 1st to March 31st, and at 20 mph from April 1st to July 31st (except times of emergency).
 - i. The Shore Protection Committee can give general authorizations to government entities or island managers who have a valid driver's license for any of the previously said reasons.
 - j. Your authorization can be revoked if you fail to follow any of the given rules
- II. Barrier Islands in Georgia that allow beach driving according to the previously mentioned rules and regulations.
- A. Cumberland Island
 - B. Little Cumberland Island
 - C. Jekyll Island
 - D. St. Simons Island
 - E. Sea Island
 - F. Little St. Simons Island
 - G. Sapelo Island
 - H. Blackbeard Island
 - I. St. Catherines Island
 - J. Ossabaw Island
 - K. Wassaw Island
 - L. Tybee Island
- III. Counties in Georgia, and how they regulate beach driving (where regulation was found)
- A. Effingham
 - 1. Effingham gives a definition of off road vehicles in their municipal code, but do not specifically say anything about beach

driving. This most likely implies that they follow the state policy when necessary.

B. Camden County

1. Lists regulation in their municipal code about beach area protection, but nothing specific about motor vehicle use on the beach. Implying they follow state regulation.

C. Liberty County

1. They make mention of using the beaches for “educational” purposes, but nothing that specifically says anything about beach driving. Beach driving for educational purpose was one of the allowed activities to receive authorization under the state regulations, so it seems that is what they are implying.

IV. National Wildlife Refuges (NWR) in Georgia

A. Blackbeard Island NWR

1. The only allowable transportation on the island is by foot or bicycle

B. Wolf Island NWR

1. Wolf Island NWR is extremely concerned with its habitat for migratory birds and other species that are endangered or threatened species, and they have closed the beach to all public access.

C. Wassaw NWR

1. Wassaw NWR is only accessible by boat.
2. There are certain times of the year when they allow hunting, but there is no motor vehicle access, and you cannot stay at the refuge overnight.

D. Pinckney Island NWR

1. People using the refuge are only allowed foot or bicycle access. However, entry and exit for authorized motor vehicles are limited to designated check stations or other specified areas.

Georgia:
State Code:

Beach Driving Authorization

7/1/2003

SHORE PROTECTION

CHAPTER 391-2-2

RULES OF GEORGIA DEPARTMENT OF NATURAL RESOURCES COASTAL RESOURCES DIVISION

By authority of the Conservation and Natural Resources Code, O.C.G.A., Title 12, Rules 391-2-2, relating to Shore Protection, is amended by adding a new section, 391-2-2-.03 to read as follows:

CHAPTER 391-2-2
SHORE PROTECTION

Chapter 391-2-2, "Shore Protection" is hereby amended by adding a new section to be designated Rule number 391-2-2-.03 to read as follows:

391-2-2-.03

Beach Driving Authorizations.

(1) Purpose. The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations to establish criteria under which the Shore Protection Committee may issue authorizations to drive motor vehicles on Georgia dynamic dune field and beaches consistent with the purposes of the Shore Protection Act.

(2) Definitions used in this rule.

(a) "Wet Sand Beach" means the area below the high tide line that is covered with water when the tide is high during an average high tide. The wet sand beach does not include the area where the dry sand is covered with water during a spring or otherwise exceptionally high tide.

(b) "Own or have an interest in real property" means to hold fee simple title, to have a life estate or other retained right, or to

have a bona fide leasehold interest (other than a usufruct) for a term of one year or more, individually or as a partner or tenant in common, in and to a parcel of land. Own or have an interest in real property shall not include holding a rental agreement, license, or other right to use real property which does not constitute an interest in real property; in addition, such term does not include holding an easement over or across a tract of land. After the effective date of this section of this rule, such term shall not include newly-created undivided interests smaller than one-fifth except if created by inheritance or devise.

(3) Authorizations.

(a) Authorizations to operate motor vehicles on, over, or across the dynamic dune field or beaches, as provided by O.C.G.A. 12-5-248, shall be in accordance with the following criteria.

1. Authorizations may be issued only to those individuals who have demonstrated to the satisfaction of the Shore Protection Committee that they meet one or more of the following criteria which justify driving on the beach when the Committee has determined that the proposed driving on the beach is not inconsistent with the public interest:

a. are engaged in bona fide educational activities or scientific research as such activities are defined in O.C.G.A. Section 27-1-2 (24) and (62), or other bona fide educational activities or scientific research, and that require beach driving;

b. are a legal resident or full-time resident on the island for which the authorization is requested;

c. are involved in beach maintenance or security which makes driving a vehicle necessary;

d. own or have an interest in real property on the island in question, or are the spouses, parents, children, grandchildren and other lineal descendants (and their spouses) of such individuals.

2. Authorizations will be valid for five (5) years from the date of issuance.

3. Authorizations are non-transferable.

4. Authorizations will be limited to the dynamic dune field and beaches on a specified barrier island and will allow vehicle access to the beach only over DNR-approved designated access routes from the upland.
5. Authorizations are issued to individuals only, except as provided in paragraph 11 of this section, which covers General Authorizations provisions of the rules.
6. Authorizations will be issued only to individuals with valid driver's licenses from the State of Georgia or other state, nation, or territory, and authorizations must be in possession of the person to whom the authorization was issued when that person is engaged in beach driving.
- 7. Beach driving during the period May 1 to October 31 shall be restricted to daylight hours** (1/2 hour before sunrise to 1/2 hour after sunset), except that authorizations allowing beach driving at night during such time period only for the purposes of scientific research, predator control, educational activities, or law enforcement may be issued to persons engaged in such activities.
- 8. Driving shall be permitted only on the wet sand beach, except and to the extent necessary to drive around a slough or other impassable area on the beach. Access to the wet sand beach shall be from existing access points only, as set forth in Appendix A, or from other access points approved by the Shore Protection Committee.**
9. Drivers shall minimize any disturbance of shorebirds, turtles or other wildlife and shall avoid disturbance altogether if possible.
- 10. Drivers receiving authorizations will be required to limit their speed to a maximum of 25 mph from August 1 through March 31 and 20 mph from April 1 through July 31, except in the case of an emergency. Nothing in these rules shall supersede any lower speed limit established on any barrier island.**
11. General Authorizations: The Shore Protection Committee may grant a general beach driving authorization to a governmental entity or island manager which will cover all those persons who possess a valid driver's license and are under their employ or supervision and who are engaged in bona fide

research, beach cleanup, law enforcement, animal control, resource management or beach maintenance activities during the time they are engaged in these activities. In this instance, individual authorizations will not be required provided the government entity or island manager submits to the Shore Protection Committee, and revises from time to time as appropriate, a list of the names of those individuals who will be covered by a general authorization.

12. Applications: Applications for beach driving authorization shall be made on forms provided by the Shore Protection Committee whose address is One Conservation Way, Brunswick, GA 31520-8687.

13. Revocation of Authorization: The Shore Protection Committee may revoke any authorization issued for failure to comply with these rules and regulations or any other rules and regulations promulgated under O.C.G.A. Title 12 Conservation and Natural Resources or Title 27 Game and Fish.

14. Authorizations to drive on a beach shall not be required during a medical or other emergency.

15. Nothing in these rules shall supersede any ordinances which further restrict driving on the beach.

16. Any person who is aggrieved or adversely affected by any order or action of the Shore Protection Committee may appeal as provided in O.C.G.A. 12-5-244.

APPENDIX A

EXISTING BEACH ACCESS SITES FOR MOTOR VEHICLES ON ALL BARRIER ISLANDS

Cumberland Island - 9 sites:

- Cedar Dock
- North Cut Road
- South Cut Road
- Duckhouse Road
- Stafford Beach Road
- Little Greyfield
- Greyfield Road (private)

- Goat's Way Road (private)
- Dungeness Crossing
- South End Ponds

Little Cumberland Island - 3 sites:

- SE side of island, 1/3 mile N of Christmas Creek
- St. Andrews Sound beach near the lighthouse
- West side at River Beach (Cumberland River)

Jekyll Island - 2 sites:

- South end near water tank
- North of Convention Center

St. Simons Island - 1 site:

- East Beach at old Coast Guard Station

Sea Island - 1 site:

- Near Beach Club

Little St. Simons Island - 4 sites:

- Main Beach
- Main Beach North
- Main Beach South
- River Beach

Sapelo Island - 3 sites:

- Nannygoat Beach
- Cabretta Beach Road South
- Cabretta Beach Road North

Blackbeard Island - 3 sites:

- North
- Middle
- South

St. Catherines Island - 6 sites:

- North End / 2 access points at Engineers Rd
- Seaside Road

- Sand Pit Road
- Jungle Road
- South Beach Road

Ossabaw Island - 8 sites:

- North End / 4 access points
- Middle
- South End / 3 access points

Wassaw Island - 2 sites:

- Middle
- North End

Tybee Island - 3 sites:

- North
- Middle
- South

Counties:

Effingham:

Sec. 74-7. Off-road vehicles.

(a) As used in this section, the term "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain and not intended for use predominately on public roads, and any other vehicle defined as an off-road vehicle by O.C.G.A. § 40-7-3 currently or as may be amended by the General Assembly of Georgia, and includes, but is not limited to, four-wheel drive or low-pressure tire vehicles, two-wheel drive vehicles, amphibious machines, ground effect or air cushion vehicles, and any other means of transportation deriving power from any source other than muscle or wind, except that such term shall exclude any motorboat; any military, fire, or law enforcement vehicle; any vehicles used exclusively on airports; all farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planting for utility services and maintenance, for each moving, construction, or mining; and self-propelled lawnmowers, snowblowers, garden or lawn tractors, or golf carts, while such vehicles are being used exclusively for their designed purposes.

(b) Any person operating an off-road vehicle under any of the following conditions shall be deemed to be in violation of this section and shall be punishable as provided by section 1-19 of this Code:

- (1) Without operative brakes or without mufflers or other silencing equipment;

- (2) On any public property, including, but not limited to, any road or right-of-way under the possession or control of Effingham County, except property designated by the board of commissioners for use by off-road vehicles;
- (3) On any private property without the express written permission of the owner of the property or his agent, proof of which shall be in the immediate possession of the operator of an off-road vehicle at all times when operating such vehicle and which shall be displayed upon demand of any law enforcement officer;
- (4) On any private property in any zoning district other than an AR-1 or AR-2 zoning district, except the property of the operator or his or her immediate family.

- Nothing in the county Municipal Code for Effingham County explains anything about beach driving.

Camden County: states nothing specific to beach driving

Sec. 514. BD beach and dune protection district.

District intent. It is intended that development within this [BD] district be protected from tides and high-water storm surges, winds and erosion; that development within this [BD] district occur without adversely affecting the existence or natural functions of the beach and dune areas; and the development within this [BD] district occur without subjecting property adjacent and further inland to additional potential danger from actions of wind and water. The mapped beach protection districts of this ordinance are hereby designated to be used as overlay zoning districts to the existing land use districts. Thus, the land may be utilized only under the conditions and regulations of both zones. The boundaries of the beach and dune protection districts shall be shown on the official zoning map. Within these BD districts, all uses not allowed as permitted uses or special permit uses shall be prohibited.

A. *Permitted uses.* The following uses shall be permitted within the BD beach and dune protection district:

(1) Active and passive recreational uses not inherently destructive to the existence of integrity of the beach and dunes.

B. *Special permit uses.* The following uses may be permitted [in the BD district] in accordance with the provisions contained in article nine, section 905, and if additional conditions which may be required are met:

(1) Residences, buildings or other structures shall be permitted if that use is allowed in the underlying zoning district and provided that:

(a) All development, grading, filling or land alteration shall not occur seaward of the beach and development setback line which is 40 feet landward of the most seaward stable dune (see article three, definitions).

(b) If the proposed site is lacking an active-stable dune sequence, then the site shall not be developed until the developer establishes an active-stable dune sequence with respect to dune height, dune row spacing, vegetation type, vegetation density, width of high-tide beach, slope and orientation of dunes.

(c) All permanent structures shall be built so that the first floor elevation is a minimum of 14 feet above mean sea level by means of pilings rather than filling.

Liberty County: Nothing listed specifically about beach driving, but “educational” use is listed as permitted, and Georgia’s application process allows for beach driving when it is done with the intent of education.

5.11. "DM-1" Dunes and Marshlands district.

It is the intent of this district to protect those areas of the county that are considered to be environmentally sensitive to development, due to soil types, drainage, vegetation, wildlife habitats or other factors that are subject to being seriously endangered, damaged, or destroyed if allowed to develop in a manner inconsistent with their conservation and preservation. Since the welfare and well-being of the citizens of the county are directly linked and related to the natural environment of the area, it is recognized that in order to maintain sensitive areas in their natural condition for the benefit of mankind, it is necessary to protect such areas from degradation. All regulations of the Coastal Marshlands Protection Act* shall be applicable in this district.

***State law references:** Coastal Marshlands Protection Act, O.C.G.A. § 12-5-280 et seq.

5.11.1. *Establishment of dunes and marshland areas.* Areas which meet any one of the following criteria shall be considered an environmentally sensitive area, subject to the conditions of this section which may be applied to such areas:

5.11.1.1. *Marshland.* All land subject to tidal action which is comprised of generally unstable soil materials commonly known as "hard or soft" marsh grass, reeds and similar growth and is usually characterized by poor land bearing capacity. Marshland lies below an elevation of five and six-tenths (5.6) feet above mean sea level.

5.11.1.2. *Dunes.* All land where, through natural action of the wind, sand has accumulated in hills and ridges forming a mound of sand. This area is usually confined to the soil classification Kershaw-Osier complex and is found immediately adjacent to the Atlantic Ocean on the barrier islands. The slopes range from zero to eight (8) percent.

5.11.2. *Permitted uses in marshland and dune areas.*

5.11.2.1. Boating.

5.11.2.2. Swimming.

5.11.2.3. Sunbathing.

5.11.2.4. Picnicking.

5.11.2.5. Fishing.

5.11.2.6. Hunting.

5.11.2.7. Educational uses.

5.11.2.8. Other active and passive recreational uses not inherently destructive to the existence or integrity of the marshlands and dunelands.

5.11.3. *Conditional uses in marshland areas.* The applicant for a conditional use permit shall prove conclusively that the proposed use will have no significant short or long-term adverse environmental effects, including increasing potentials for disturbance of existing eco-systems, penetration of channels of navigable waterways, interference with existing established dune sequences; and exposure of inland properties to wind, water, or wave damage. Subject to the conditions set forth, the following uses shall be permitted in the marshland areas:

5.11.3.1. Seawalls.

5.11.3.2. Jetties.

5.11.3.3. Bulkheads.

5.11.3.4. Piers.

5.11.3.5. Revetments.

5.11.3.6. Groins.

5.11.3.7. Breakwaters.

5.11.3.8. Roads, streets, utility lines, sewer lines.

5.11.4. *Conditional uses in dune areas.*

5.11.4.1. No conditional uses are allowed in dune areas of the "DM-1" districts.

5.11.5. *Permit required for marshland alterations.* A permit from the State Coastal Marshlands Protection Committee, Georgia Department of Natural Resources, is required for many types of marshland alterations. (Coastal Marshlands Protection Act of 1970, Georgia Laws 1970, p. 939; Coastal Marshlands Protection Committee, Georgia Laws 1972, pp. 1015, 1027, and amendment Georgia Laws 1973, p. 564.)

State law references: See O.C.G.A. § 12-5-280 et seq.

Cities, Towns, Islands, etc:

Tybee Island:

Sec. 12-1. Use of municipal beaches.

(a) *Rules and regulations.* All persons entering upon the public beaches, or structures erected thereon, shall comply with the following rules and regulations, and failure to do so shall constitute a violation of this article:

(1) *Swimming area.* It shall be unlawful for any person to swim outside of the area extending 50 yards from the water's edge.

(2) *Placement of litter.* It shall be unlawful to throw, place, deposit, sweep or scatter, or cause to be thrown, placed, deposited, swept, or scattered, any paper, food, cigarette butts, bottles, cans, trash, fruit peelings or other refuse upon the beaches or structures erected thereon. Beach goers must contain their trash at all times.

(3) *Glass or breakable containers.* It shall be unlawful for any person to take or carry upon the beaches or structures erected thereon any glass or breakable containers.

(4) *Pets.* It shall be unlawful for any person who owns, is in control of, or is in charge of, any dog or other pet, to allow or take that dog or other pet upon the beaches or structures erected thereon. This does not include properly certified guide dogs, or similar animals assisting the blind, deaf, or other physically handicapped persons.

(5) *Motorized vehicles.* It shall be unlawful for any person to take any motorized vehicle on to the beaches or structures erected thereon. This includes automobiles, trucks, motorcycles, all-terrain-vehicles and similar motor driven vehicles and craft. This does not include properly marked emergency vehicles while in the course of an emergency operation, or maintenance/utility vehicles in the employ of the city or similar governmental entity and engaged in a legitimate operation.

National Wildlife Refuges:

Blackbeard Island NWR:

Transportation is not provided to, from, or on the refuge. **Any movement within the refuge must be by foot or bicycle (by foot only within the National Wilderness Area).** Entry and exit points are limited to designated check stations or other specified areas. Hunters are not allowed to leave by boat to reach other parts of the island.

Wolf Island NWR: All information designated by the draft CCP

Wolf Island NWR, as designated National Wilderness Area, is maintained as such, with it's primary purpose being to provide protection for migratory birds and such endangered and threatened species as the loggerhead sea turtle and piping plover. Due to its status as a wilderness area, no public use facilities exist or are planned on the refuge. **Though the refuge's saltwaters are open to a variety of recreational activities, all beach, marsh, and upland areas are closed to the public.** Visitors must make their own arrangements to reach the refuge. Marinas in the Darien, Georgia area may offer transportation to the refuge.

Wassaw NWR:

How do I get out to the refuge? Is a boat available to take me?

Wassaw NWR is a barrier island that is only accessible by boat. The refuge does not provide transportation; however, charters are available from local marinas. Visitors can also access the refuge in personal watercraft.

When is the refuge open to the public?

The refuge is open year-round, from sunrise to sunset, except during five day periods in November and December when refuge deer hunts are conducted. No overnight use is permitted.

Pinckney Island NWR: considerations listed under the hunting regulations

Transportation is not provided to, from, or on the refuge. Any movement within the refuge must be by foot or bicycle. **Entry and exit points for authorized motor vehicles are limited to designated check stations or other specified areas.**

State and National Parks:

Fort Pulaski National Monument:

There is no public beach at Fort Pulaski, nearest beach access is Tybee Island.

***all state parks seem to follow the guidelines of the state code on beach driving, which involves the application process for allowed actions.

Maine

Cities:

Biddeford:

Sec. 42-3. Vehicles prohibited from public beaches; exceptions.

Pursuant to the authority in 30-A M.R.S.A. § 3009, no vehicles, including automobiles, dune buggies, motorcycles, minibikes, motorbikes and motorcarts, shall be operated on the public beaches of the city at Fortunes Rocks, Biddeford Pool and Hills Beach sections, so-called, with the exception of the following:

- (1) Property owners and/or residents of Basket Island who have a right-of-way to such island from Hills Beach.
 - (2) Lobster fishermen to retrieve their lobster traps (pots) washed ashore.
 - (3) Individuals engaged in collecting kelp (seaweed) as part of their livelihood.
- (Code 1975, § 14-4)

Wells:

ARTICLE III Parking Fees [Adopted 3-15-1980]

§ 86-8. Residential beach parking fees. [Amended 4-24-1993]

The resident and real estate taxpayer beach parking fee shall be as established by the Board of Selectmen, following notice and a public hearing.

§ 86-9. Daily beach parking fees. [Added 3-9-1985]

The Selectmen are authorized to set the daily parking rates for the Town's municipal parking lots. Notice and a public hearing are required before any change in the daily parking rates.

ARTICLE IV Lifeguards [Adopted 3-11-1989; amended in its entirety at time of adoption of Code 11-7-2000]

§ 86-10. Employment and supervision.

The Town may employ lifeguards to serve at beaches within the Town, and all lifeguards shall be under the supervision of the Fire Chief.

ARTICLE V Protection of Piping Plover Habitat [Adopted 4-17-1999]

§ 86-11. Beach management plan.

The Board of Selectmen is authorized to adopt regulations providing for the management of Town-owned beaches to protect piping plover habitat and piping plovers during their nesting season (April 1 to September 1 of each year) consistent with the Guidelines for Managing Recreational Activities in Piping Plover Breeding Habitat on the U.S. Atlantic Coast to Avoid Take Under Section 9 of the Endangered Species Act, promulgated by the United States Fish and Wildlife Service, Northeast Region, dated April 15, 1994, following notice and a public hearing. The regulations shall contain such other provisions as the Board deems necessary and appropriate, including but not limited to a process pursuant to which the Board of Selectmen, on behalf of the Town, may agree to manage other beaches in accordance with the Town's management plan upon the request of the property owners.

§ 86-12. Violations and penalties.

It shall be a violation of this article to engage in activities prohibited by the regulations adopted pursuant to this article. Any person, firm or corporation who or which engages in activities prohibited by the regulations shall be deemed to have committed a civil violation and shall be subject to a civil penalty not to exceed \$1,000 for each violation. If a violation occurs more than once or continues for more than one day, then each occurrence or each day that the violation continues shall be a separate violation.

ARTICLE VI Procedure for Closing of Beaches [Adopted 11-8-2005]**§ 86-13. (Reserved)****§ 86-14. Procedure for evaluating threats at Town beaches.**

- A. Purpose. This article is intended to establish a procedure for closing the beaches, or sections of beaches, in situations when public safety officials identify a potential threat to the public health or safety. Water quality considerations, such as contamination, storm activity, the presence of sharks near the beaches or other hazards can lead to questions about whether the beaches should be closed or warnings issued to the public. By enacting this ordinance, the Town provides a clear procedure for public safety personnel to follow and identifies the appropriate decisionmakers.
- B. Procedure. Lifeguards and other public safety personnel, including dispatchers and the Police Department, shall notify the Fire Chief of any perceived threat to the safety of members of the public or lifeguards at Town beaches. A threat could arise from the presence of water contamination or sharks in the vicinity of the beach, storm conditions or other events. The Fire Chief shall verify the presence and the scope of the threat to the best of his/her ability and evaluate possible responses. The Fire Chief may consult with department heads and/or other experts to formulate a recommendation as to an appropriate response. The Fire Chief shall recommend a

course of action to the Town Manager, who shall decide what action to take. The Town Manager is authorized to close the beaches, or a specified section of the beach, to the public and/or to issue and post warnings of a threat to the public health or safety which does not justify a beach closure. The Town Manager shall inform the Board of Selectmen of the situation and may consult with them prior to making a decision, which shall be communicated to the Board of Selectmen, Town staff and the public as expeditiously as possible. The Town Manager shall reopen the beaches or remove the warnings as conditions warrant.

- C. Public notice. The Town Manager shall provide public notice of the beach closure or issuance of a warning by posting notices at the beaches or taking other appropriate steps. The posted notice shall identify the hazard, the area of the beaches affected and whether the notice applies to entering the water and/or to adjacent beaches. **[Amended 4-28-2006]**
- D. Notice. Lifeguards shall be responsible for informing the public of beach closings when present on the beaches. The Town Manager or the Fire Chief may authorize other public safety personnel, including but not limited to lifeguards, to inform the public of beach closures and/or warnings. **[Amended 4-28-2006]**
- E. If the Town Manager is not available and in the opinion of the Fire Chief the situation is urgent, the Fire Chief is authorized to act in the Town Manager's stead, provided the Town Manager shall be informed of any action taken as soon as possible. If the Fire Chief is absent or unavailable, the Police Chief shall assume the duties and responsibilities assigned to the Fire Chief in this section. **[Amended 4-28-2006]**
- F. Violations and enforcement. The Police Department is authorized to enforce this Article. It shall be a violation of this Code to disobey any order regarding beach closure or the presence of hazards to the public health or safety after notice thereof. Notice is achieved either by posting or by an order from a lifeguard, police officer, firefighter or other authorized person. The unauthorized removal of any notice posted pursuant to this section is a violation of this Code. Penalties for violation of this section shall be as specified in § 1-12 of this Code. **[Amended 4-28-2006]**

Kennebunk:

2-5 BEACH PARKING PERMITS

5.1 Purpose

To assure that the residents of and residents' visitors to the Town of Kennebunk shall have access to the beaches of Kennebunk, that those beaches and the adjacent area shall not become overcrowded, and to preserve the health and safety of the beach area for the residents of this part of the Town.

5.2 Parking at Kennebunk beaches during the period from June 15th through September 15th of each year shall be by permit only. Parking is allowed from 6:00 AM to 11:00 PM. There is no overnight parking allowed.

5.3 Residents and taxpayers of the Town of Kennebunk may obtain three (3) parking permits for the Kennebunk beach parking areas for a fee as set by the Board of

Selectmen's fee schedule per permit at the Town Hall. Permits shall be valid for a period of up to one year.

5.4 Guest parking permit cards for Kennebunk Beach-parking areas may be purchased by residents and taxpayers of Kennebunk fee as set by the Board of Selectmen's fee schedule. These permits shall be registered in the name of the purchasing family and may be secured at the Town Hall. Motels and hotels in Kennebunk may obtain parking permit cards for use by their guests at a charge, as set by the Board of Selectmen's fee schedule, per permit at the Town Hall.

5.5 Non-residents of the Town of Kennebunk may purchase parking permits for Kennebunk Beach parking areas at the Town Hall according to the following fee schedule:

1 Day Permit Fee as set by the Board of Selectmen's fee schedule

1 Week Permit Fee as set by the Board of Selectmen's fee schedule

Full Season Permit Fee as set by the Board of Selectmen's fee schedule

5.6 Pass Transferability and Replacement:

Transferability: Three Resident Beach permits are issued to each Kennebunk resident and/or taxpayer. Transfer of permits is prohibited and usage of permits is limited to the resident and/or taxpayer's vehicles. Replacement: The Town will replace a destroyed or lost Resident permit for the intended resident and/or taxpayer upon payment of fee as set by the Board of Selectmen's fee schedule per permit.

5.7 Placement of Non-Resident Beach Permits on Vehicles: Non-Resident permits are to be placed on the dashboard on the passenger's side of the vehicle. Beach Permits need to be visible to the patrolling police officers.

5.8 Refunds: No refunds for permits will be issued. 24

5.9 Term of Permits: All Resident Beach permits can be up to two (2) calendar years. Permits become effective the day issued and expire in the prescribed year cycle. Non-resident permits become effective the day issued and expire on the date written or printed on the permit.

5.10 There shall be parallel parking by permit only along the road adjacent to Gooch's Beach, so-called, from the corner of Beach Avenue to utility pole J88 at Kennebunk Beach, except in areas designated as "NO PARKING". There shall be diagonal parking by permit only along the south side of Beach Avenue adjacent to Kennebunk Beach running from the northeasterly end of Kennebunk Beach (opposite Utility Pole J88) to the southwesterly end where the paved parking lot ends (approximately 150 feet (more or less) southwest from Utility Pole J605) and parallel parking by permit only along the north side of Beach Avenue from utility pole J88 to utility pole J92 except in areas designated as "NO PARKING".

5.11 Parking permits shall be numbered and shall state the period of time for which they are valid.

5.12 Resident Permit stickers shall be affixed to the lower corner of the passenger side of the vehicle windshield. No vehicle may occupy more than one designated parking space.

5.13 Any person, firm or corporation who violates 2-5, upon conviction, shall be punished by a fine as set by the Board of Selectmen's fee schedule together with costs to be used by the Municipality of Kennebunk. Any person accused of a violation may settle and compromise the claim against them for such illegal parking by paying the

Municipality the sum as set by the Board of Selectmen's fee schedule; such payment may be made at the Town hall within 7 days of the time such alleged offense was committed. **5.14** Fees shall be as shown on a fee schedule set by vote of the Board of Selectmen each year, after notice and hearing. ADOPTED 01-20-1993 AMENDED 11-14-2001; 06-12-2002; 06-09-2004

Scarborough:

CHAPTER 1006

TOWN OF SCARBOROUGH

FERRY BEACH/HURD PARK REGULATIONS

This will certify that the following was approved by the Scarborough Town Council at their meeting on the 4th day of May in the year 1988.

FERRY BEACH/HURD PARK REGULATIONS

Amended April 4, 1979 - Effective April 4, 1979

Amended April 15, 1981 - Effective April 15, 1981

Amended May 4, 1988 - Effective May 5, 1988

Amended September 6, 1995

Fees shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council.

The above are to be in the form of automobile bumper stickers which are to be obtained at the Scarborough Municipal Offices, U.S. Route One, Oak Hill, upon payment of the above fees. The numbered bumper stickers will be assigned to a licensed motor vehicle (including motorcycles). Additional stickers for use on other vehicles belonging to the same RESIDENCE AND/OR TAXPAYER, may be obtained as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. Senior citizen passes are in the form of a card. All persons, (resident and non-resident), who do not wish to purchase a seasonal sticker as is described above, may enjoy the facilities of Ferry Beach and Hurd Park, by payment to an attendant of fees as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. Residents and/or taxpayers may obtain a combination pass for both Ferry Beach and Hurd Park for a fee as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council. Said fee to be apportioned equally between the Ferry Beach and Hurd Park Accounts. All fees collected therefrom, to be used solely for the betterment of the Ferry Beach and Hurd Park facilities.

Cape Elizabeth:

Sec. 13-3-8. All-Terrain Vehicles. No person shall operate an all-terrain vehicle within the Town of Cape Elizabeth upon public land, including park lands, owned or leased to the Town of Cape Elizabeth. This provision shall supplement and shall not in any manner limit the restrictions upon the use of all-terrain vehicles upon private property, or over public or private ways, as provided by 12 M.R.S.A., Sec. 7851, (1983) as may be amended. It shall also not prohibit the use of all terrain vehicles by the municipal government in conjunction with maintenance and/or public safety.

Sec. 13-3-9. Beach Access Restrictions. No person shall operate a motor vehicle on Crescent Beach except for the express purpose of launching a watercraft, for commercial fishing activities, for the commercial harvesting of rockweed or seaweed, or for public safety or authorized beach maintenance purposes.

Maryland Regulations:

- I. Counties in Maryland
 - A. Worcester County
 1. Worcester County does not have any specific regulation for beach driving
 - B. Queen Anne's County
 1. Permissible roadways
 - a. No person shall operate any motorized vehicle on park property other than a road or street on which public access is permitted.
 - C. St. Mary's County
 1. Motor vehicle use is not allowed in any park or recreation area unless it is on a designated road.
 - D. Somerset County
 1. Per correspondence with municipal officials, no motor vehicles are allowed on the beach, because none of the beach areas within the county are wide enough to support safe vehicle travel.
 - E. Cecil County
 1. No specific regulation for beach driving was found.
 - F. Harford County
 1. No specific regulation for beach driving was found.
 - G. Baltimore County
 1. Only public safety and maintenance vehicles are allowed access to the beach area, all other driving on the beach is prohibited.
 - H. Calvert County
 1. Through regulation, the County ensured public access routes to and from boat landings and beach areas, but do not grant the right to drive on the beach.
- II. Cities in Maryland
 - A. Ocean City
 1. Per correspondence with the Department of Tourism, beach driving is only allowed during the surf fishing contest in the fall. Also, you must be a registered contestant to drive on the beach.
- III. State Parks in Maryland
 - A. State Park Service
 1. Per correspondence with the State Park Service of Maryland, there are no state parks with beach access that allow driving on the beach.
- IV. National Wildlife Refuges (NWR) in Maryland
 - A. Blackwater NWR
 1. Per representative, beach driving is not allowed within the refuge.
 - B. Martin NWR
 1. Per representative, there is no public access to this refuge.
- V. National Parks in Maryland

A. Assateague Island National Park

1. Beach driving by the public is allowed in the park by permit only.
2. Permit facts:
 - a. Any granted permit is good for twelve (12) months, starting in the month the permit was purchased.
 - b. The permit must be displayed on the drivers side of the front bumper.
 - c. The permit fee is seventy dollars (\$70.00)
 - d. Upon signature of the application for the permit, the permittee understands that they accept responsibility for knowing the regulations of beach driving.
 - e. When driving on the beach you must carry specific equipment (i.e. a shovel with a blade of at least 6” square and at least 18” long, a vehicle jack, etc.).
 - f. The permit is only good for the vehicle and registered owner of the vehicle. If the vehicle is sold, the permit is void. If the original owner of the sold vehicle can return enough of the original permit to give the necessary information, a replacement permit may be issued.
 - g. Lost permits are not replaceable or refundable.
 - h. Vehicles will not be permitted unless they meet certain physical requirements (i.e. maximum vehicle width, length height, ground clearance, etc.).
 - i. The vehicle must be properly licensed, insured, and registered. The driver must have a valid drivers’ license.
 - j. The vehicle must pass a physical inspection.
 - k. The speed limit within the park is twenty-five (25) miles per hour (mph) and must be reduced to fifteen (15) miles per hour (mph) whenever passing another vehicle.
 - l. All passengers must ride inside the actual cab of the vehicle.
 - m. Certain beach driving zones have been established, and driving outside those zones is prohibited. Also, all sand dune and vegetation areas are off limits to drivers even in the driving zones.
 - n. Beach driving may be restricted per the judgment of the park staff for various reasons (i.e. if there are too many people in the park already or any ecological issues arise).
 - o. Overnight parking on the beach is not allowed, except for those who are actively involved in fishing activities.

Maryland

National Park Service:

Assateague Island National Seashore

Over Sand Vehicle (OSV) Use

The Over-Sand Vehicle (OSV) zone at Assateague Island National Seashore contains miles of unspoiled beaches managed by the National Park Service to accommodate OSV enthusiasts and other beach goers.



OSV permits are issued for a twelve-month period beginning with the month of purchase. The permit fee is \$70. All vehicles using the OSV zone must display a valid OSV Permit. Upon signing the application for the OSV permit, operators accept responsibility for knowing and following all OSV regulations. Please see the [OSV brochure](#) for complete regulations.

OSV operators in designated zone must carry the following equipment:

- A shovel with a blade at least 6" square and at least 18" long.
- A vehicle jack sufficient to lift one wheel clear of the sand.
- A jack support that is at least 12"x12" of non-bending steel, 5/8" plywood or 1½" hardwood.
- A tire gauge with a minimum reading of 15 pounds or less.
- A tow rope or tow strap, chain or cable with a minimum pulling strength of 6,000 pounds and at least 10 feet long. Minimum diameter is ½" for nylon or Dacron ropes; ¾" for all other ropes; ¼" for carbon steel cable; 5/8" for chain links.

OSV permits are issued for individual vehicles in the name of the registered owner. Sale or transfer of the vehicle voids the permit. A replacement permit may be issued for the new vehicle only if enough of the original permit, to include serial numbers and month sticker, is returned for exchange. Permits destroyed in a vehicle accident may be replaced only if an official accident report is brought in for documentation. A receipt for purchase is not sufficient for permit replacement. Lost permits are not refundable or replaceable!

The permit must be permanently affixed to the driver's side of the front bumper. The permit may be affixed to a Plexiglas or metal plate that is permanently bolted to the vehicle's left-front bumper or front license plate in such a way that it is not readily removable. All previous permits must be removed or covered completely by the new permit.

In Virginia, permits may be obtained at the Toms Cove Visitor Center, the OSV Closure Booth (summer only) and the Herbert H. Bateman Education Center. In

Maryland, permits may be purchased at the Sinepuxent Ranger Station. Permits may also be purchased by mail. Call 410-641-3030 for an application and return it to the Park with a check made payable to: Department of the Interior-NPS. Please allow up to three weeks for receipt of the permit.

At Assateague Island National Seashore we strive to provide you with a safe and enjoyable over-sand vehicle (OSV) experience. Regulations and equipment requirements are necessary for your safety and the safety of National Park Service staff. Changing beach conditions, vehicle breakdowns, and human judgement errors may occasionally result in over-sand vehicles becoming stuck and needing assistance. In these instances, **National Park Service staff can:** Assist with removing sand from around the tires. Deflate tires. Use traction devices such as boards. Make a phone call on your behalf to friends/family. Provide information regarding local towing services. **National Park Service staff cannot:** Winch or pull the vehicles out. Recommend a towing company. Please be prepared when using the OSV zones on Assateague Island. Carry the required safety equipment; adequate food, water and clothing; and know the park rules and regulations.

Counties:

Worcester:

In 2002 the Maryland General Assembly passed the **Atlantic Coastal Bays Protection Act** – However, there is nothing listed in the entire code concerning vehicle use on beaches.

Queen Anne's County:

[http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=1770%2D022%2Ehtm%23Section22%2D15%2E&cn=953&n=\[1\]\[2\]\[102\]\[939\]\[953\]](http://www.e-codes.generalcode.com/codebook_frameset.asp?t=tc&p=1770%2D022%2Ehtm%23Section22%2D15%2E&cn=953&n=[1][2][102][939][953])

§ 22-20. Regulation of recreational activities.

The following regulations apply to all property under the supervision or control of the Department:

- A. Aeronautical activities. Aeronautical activities are permitted pursuant to airport regulations. Airplanes, helium/hot air balloons, hang gliders, parachutes, ultra-light planes, or any other person-operated aircraft shall not be flown or launched from any County property except in officially designated areas by permit (Class e offense).
- B. Athletics/leagues.
 - (1) Persons reserving an athletic field are entitled to exclusive use of such areas on the dates and between the hours specified by permit. They, and all other users, are prohibited from playing on the fields if the grounds are wet or otherwise unsuitable for play (Class e offense).
 - (2) Any athletic field that is not reserved shall be available on a first-come, first-served basis.
- C. Bicycling.

- (1) Bicycle riding is permitted only on roads or on other trails designated for that purpose (Class e offense).
 - (2) Bicycle riding is subject to the following requirements (Class e offense):
 - (a) Bicycles must yield to pedestrians along the trail.
 - (b) Bicycles shall not be operated at a speed greater than reasonable and prudent for existing conditions. The maximum speed limit on the trails is 15 miles per hour.
 - (c) Bicycle trail users shall dismount prior to crossing intersecting roadways.
 - (d) Bicycles and hikers shall keep right except to pass and bicyclists must alert other trail users before passing.
- D. Boating. (Violation of below regulations constitute a Class e offense.)
- (1) No boat or other watercraft is allowed on lakes or ponds on County property except by permit.
 - (2) Operators and occupants of permitted watercraft will comply with all local, state and federal regulations governing the use and operation of said watercraft.
 - (3) Operators and occupants of permitted watercraft will comply with any special regulation promulgated by the Director and posted near watercraft launch sites.
- E. Fires. (Violation of below regulations constitute a Class e offense.)
- (1) Fires are permitted only on public campgrounds and picnic areas, and are restricted to established fireplaces constructed for this purpose, and/or privately owned grills or stoves.
 - (2) Before leaving the site, persons who have made fires shall wet hot coals until they are thoroughly soaked and cold.
 - (3) Building of fires may be prohibited or limited by the Director when a fire hazard exists. Lighted matches, cigars, cigarettes or other burning objects shall be properly extinguished prior to being discarded.
 - (4) Ground fires are prohibited.
- F. Fishing. Fishing is permitted only in designated areas and in compliance with Maryland state angler's license requirements (Class e offense).
- G. Golf. Golf practice is not permitted except at golf courses (Class e offense).
- H. Horseback riding. Horses are permitted only in designated areas and trails (Class e offense).
- I. Hunting; trapping.
- (1) Hunting and trapping are permitted only for scientific and animal control purposes.
 - (2) Hunting is permitted only in areas designated for hunting and upon compliance with federal and/or Maryland state licensing requirements (Class d offense).
 - (3) No person may hunt or trap without the required permit issued from the Department.
- J. Picnicking. Picnicking may be prohibited in areas identified as inappropriate by the Director. Unrestricted picnic areas are operated on a first-come, first-served basis. (Class e offense).
- K. Roller-skating, in-line skating, skateboarding.
- (1) Roller-skating and skateboarding are permitted only in areas designated for such use and are prohibited in areas designated for basketball and tennis (Class e offense).
 - (2) Skateboarding is prohibited on all paved trails (Class e offense).

- L. Swimming, water sports.
 - (1) Bathing and swimming are permitted only in places and at times designated by the Department of Parks and Recreation (Class e offense).
 - (2) Bathers must be properly clad in a bathing suit or appropriate swimming attire (Class e offense).
- M. Winter sports. Ice-skating, sledding, skiing, and snowmobiling or tobogganing are permitted on park property only where authorized by posted notice and only in accordance with special regulations on the posted notice (Class e offense).
- N. Camping. Camping is authorized by permit only in designated areas and within specific periods as indicated on the permit (Class e offense).
- O. **Motorized vehicle. Use of any unauthorized motorized vehicle on park property is prohibited. This includes but is not limited to ATVs, minibikes, motorscooters, and dirtbikes (first offense: Class C; second offense: Class b; third offense: Class a).**

§ 22-21. Animal control provisions.

- A. All animals must be controlled in accordance with the Queen Anne's County Department of Parks and Recreation Rules and Regulations and abide by all provisions as set forth within the Queen Anne's County Animal Control Ordinance (Chapter 9 of the Code of Queen Anne's County).
- B. Pets are strictly prohibited from Romancoke Pier, and Matapeake Pier (Class e offense).
- C. Nondomesticated animals. Grazing of animals is not allowed on County parklands without special permission (Class e offense).
- D. Domesticated animals.
 - (1) All pets, except for Seeing Eye dogs, are prohibited from bathing, picnic or other areas that are specifically restricted and posted (Class e offense).
 - (2) All animals must be controlled by a leash or other similar restraining device at all times (Class e offense).
 - (3) The owner or custodian of an animal may not allow his or her animal or any animal under his or her care to defecate on public property, unless the owner or custodian of the animal immediately thereafter removes and disposes of any and all waste in a sanitary manner (Class e offense).
 - (4) At no time may an animal injure, molest or intimidate another individual or animal, chase vehicles or bicycles (Class b offense).

§ 22-22. Regulation of traffic.

- A. Enforcement. Traffic and parking in County parks, specifically including the area commonly known as the "4-H Park," Route 18, Third Election District, Queen Anne's County, Maryland, is under direction of the Department of Parks and Recreation. All posted signs and the instructions of park officials must be obeyed (Class e offense). **[Amended 7-25-2006 by Ord. No. 06-14]**
- B. Speed limit. No person shall operate any motorized vehicle in excess of 15 miles per hour unless the speed limit is otherwise posted or directed (Class e offense).
- C. **Permissible roadways. No person shall operate any motorized vehicle on park property other than a road or street on which public access is permitted (Class b offense).**

- D. Large truck, buses. Trucks over one ton, buses and tractor trailers shall not be operated on park property except by special permit (Class e offense).

**St. Mary's: (Nothing stated in the county code directly related to beach restrictions)
Sec. 245-1. Motor vehicles prohibited.**

No motor vehicles or any self-propelled vehicle used for transportation shall be permitted in any park or recreational area, except on access roads and parking areas or designated paths.

Somerset County:

Per email response, there are no beaches that allow driving. The reason given was that none of the beaches are wide enough to allow cars to drive on them; nothing was stated about species or environment.

Cecil County:

(http://www.e-codes.generalcode.com/codebook_frameset.asp?t=ws&cb=0748 A)

No listed regulation in their code of ordinances

Harford County: (nothing specific to beaches listed)

(<http://www.generalcode.com/webcode2.html#mary>)

§ 185-11. Operation of vehicles; parking.

No person shall:

- A. Operate, stop, stand or park a vehicle in such a manner as to block or partially block any fire trail, campsite, road, maintenance road, boat ramp or horse trail.
- B. Operate any type of minibike, trail bike, all-terrain vehicle, snowmobile or other vehicle that cannot be registered for operation on the public highways, except in areas designated for such use by the Department and then only while wearing protective safety glasses or shield and helmet.
- C. Operate any vehicle of a class eligible for registration for operation on public highways, except upon roadways or within areas otherwise designated by the Department for the use of such vehicles.

D. When operating any vehicle, fail to yield the right-of-way to any person riding a horse, unless such vehicle is being operated on federal, state, county or municipal roads.

Baltimore County:(Nothing specific to beach use, but the listed info could be applied I think????)

[http://www.amlegal.com/nxt/gateway.dll/Maryland/baltimore_co/baltimorecountycode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:baltimoreco_md](http://www.amlegal.com/nxt/gateway.dll/Maryland/baltimore_co/baltimorecountycode?f=templates$fn=default.htm$3.0$vid=amlegal:baltimoreco_md)

§ 33-2-103. PURPOSE.

This title is adopted to assist in complying with the purposes and requirements of the Chesapeake Bay Critical Area law and the Chesapeake Bay Critical Area criteria, by:

- (1) Fostering more environmentally sensitive development activity along and near the shoreline areas of the Chesapeake Bay and its tributaries to minimize adverse impacts to water quality and natural habitats;
- (2) Generally minimizing adverse impacts on water quality;
- (3) **Conserving fish, wildlife, and plant habitats;**
- (4) **Accommodating growth in an environmentally sensitive manner to minimize adverse environmental impacts; and**

SUBTITLE 2. GENERAL REQUIREMENTS

§ 33-2-201. PERMITS.

Before the Department of Permits Development Management issues a building permit, grading permit, or use and occupancy permit in the Chesapeake Bay Critical Area, the Director of Environmental Protection and Resource Management or the Director's designee shall determine, and certify to the Director of Permits Development Management, that the development complies with this title.

(1988 Code, § 26-458) (Bill No. 18, 1990, § 2; Bill No 8-96, § 4, 3-23-1996; Bill No. 94-02, § 2, 7-1-2004)

§ 33-2-204. MANAGEMENT REQUIREMENTS.

(a) *Management required.* A habitat protection area, buffer, wetland, forest, developed woodland, afforestation area, reforestation area, wildlife corridor, floodplain, stream, stream channel, or shoreline in a Chesapeake Bay Critical Area easement or reservation shall be managed, including specific limitations on the alteration of the

natural condition of these resources, to enhance and maximize the unique value of these resources.

(b) *Prohibited.* Within the boundary of a Chesapeake Bay Critical Area resources easement or reservation that contains the Chesapeake Bay Critical Area resources listed in subsection (a) of this section, a person may not:

- (1) Disturb existing vegetation, including disturbance by tree removal, shrub removal, clearing, mowing, burning, spraying, or grazing;**
- (2) Disturb soil by grading, stripping topsoil, plowing, cultivating, or other practices;**
- (3) Conduct filling, dumping, diking, ditching, or draining;
- (4) Construct or install structural shore erosion protection measures, except:
 - (i) As provided under COMAR 27.01.04 and § 33-2-607 of this title; and
 - (ii) Only as authorized by the Department of Environmental Protection and Resource Management;
- (5) Place new impervious surfaces;
- (6) Place structures of any size;
- (7) Store, use, or apply pesticides, except for the spot spraying of noxious weeds consistent with the recommendations of the University of Maryland Cooperative Extension Service;
- (8) House, graze, or otherwise maintain animals;
- (9) Store or operate motorized vehicles, except for maintenance and emergency use approved by the Department of Environmental Protection and Resource Management; or**
- (10) Store materials.

Calvert County:

http://gcp.esub.net/cgi-bin/om_isapi.dll?clientID=44890&advquery=beach&infobase=ca1802.nfo&record={4F80}&softpage=Browse_Frame_Pg42

§ 15-201. Established. [Code 1981, § 15-101, 1985, ch. 715, § 2]

(a) The public shall have an easement or right-of-way over any roads or ways in Calvert County leading to any of the following wharves or landings: Lyons Creek, Ferry Landing, Lower Marlboro, Holland Cliff, Deep Landing, Leitch's Wharf, Holland Point, Duke's Wharf, Williams' Wharf, Parker's Wharf, Mackall's Wharf, Sollers' Wharf, Solomons Wharf, Governors Run, Dares **Beach**, and Plum Point.

(b) The purpose of this easement or right-of-way is solely for access to the wharves and landings and enjoyment of the wharves and landings by the public.

(c) The County Commissioners may not allow those roads to be closed until after a public hearing with due notice in one or more newspapers in the county.

Cities:

North Beach: (time of day is restricted, and “picnicking” is not allowed, nothing specific about vehicle use, but I think this might be enough to make an educated guess??)

§ 31-1. Bathing in the Bay and use of town beaches. [Amended 6-1-2000 by Res. No. 05-00; 5-10-2001 by Ord. No. 01-04]

- A. It shall be unlawful for any person to use or trespass on any town beach between the hours of 10:00 p.m. and 5:00 a.m., and which may be changed from time to time, or to bathe in said bay in sight of the town without a bathing suit at any time.**
- B. It is the intent of this subsection to prevent picnicking on the beach.** It shall be unlawful for any person to bring onto the public beach of the Town of North Beach coolers or large food containers of any kind. This includes large grocery bags, or boxes used to carry groceries onto the beach. This chapter is not intended to prevent individuals from bringing food or drink onto the beach for limited personal use, and it is also not intended to prevent fisherman from using coolers or containers to carry bait on legal fishing areas within the town limits.
- C. Use of the town beach will be free of charge to any resident of the town and to any guest of a resident of the town. Any nonresident not visiting a town resident wishing to use the town beach may be charged a reasonable fee which will be set from time to time by the Mayor and Town Council. The Mayor and Town Council will also determine and set by resolution the method by which residents and nonresidents of the town will be identified for the purpose of collecting said fee.**

Ocean City:

Per email response to inquiry made to the department of tourism: “Actually the only time it is allowed is during the Surf Fishing contest in the fall and it is regulated that way, just for a few days. You must be a registered contestant at that time.”

State Parks:

Per email response from the state park service of Maryland:

“we do not allow vehicles on any of our beaches; however, the Assateague National Seashore does. I have attached their web page for your information and convenience at <http://www.nps.gov/asis/planyourvisit/osv.htm>”

Diane B. Feheley
Maryland Park Service

Additional Info:

Atlantic Coastal Bays Protection Act

(http://www.dnr.state.md.us/bay/czm/coastal_bays_06_04.pdf)

Activities on the land immediately surrounding coastal waters have a great impact on the coastal bays water quality and wildlife habitat. In 2002, the Maryland Coastal Program and its partners provided essential information and support during the development and passing of the *Atlantic Coastal Bays Protection Act*. The Act defined critical areas in the coastal bays as “all lands within 1000 feet of the tidal waters’ edge, or from the landward edge of adjacent tidal waters, and the lands under them.” The Act mandated that local governments put a program in place to protect these critical areas. Included in the new programs is a requirement for a 100-foot buffer of natural vegetation to be established landward from the mean high water line of tidal waters and tributary streams. As a result of this legislation, water quality, and plant, fish, and wildlife habitat have increased protection in the coastal bays.

National Wildlife Refuges:

Per correspondence with a representative at Blackwater NWR, neither Blackwater nor Martin NWRs allow beach driving, and Martin NWR does not allow any public access. (correspondence at 410-228-2677)

Massachusetts:

Counties:

Dukes County:



COUNTY OF DUKES COUNTY

Martha's Vineyard & The Elizabeth Islands

PO Box 190, Edgartown, MA 02539 Phone: 508.696.3840 Fax: 508.696.3841



Beach Rules & Regulations

BEACH REGULATIONS FOR:

EASTVILLE POINT BEACH
JOSEPH SYLVIA STATE BEACH
NORTON POINT BEACH

BEACH ACCESS - The following regulations have been enacted by the Dukes County Commissioners to ensure that these beaches are accessible to and enjoyed by the public while also protecting the natural resources found on the beach.

- Waterfront portions of the beach are for public access and passive recreation.
- Vehicles must remain in designated parking areas.
- Pedestrians must remain on the designated walkways between parking areas and waterfront areas.
- Four-wheel drive motor vehicles may be allowed to drive the marked trails on Norton Point Beach providing they have purchased and properly displayed a current special permit from the County. Drivers must also have a copy of the current Special Vehicular Access Regulations which comes with the permit.
- Vehicles designed or modified for use over unimproved terrain such as "recreational vehicles, off-road vehicles (ORV), or "all terrain vehicles" (ATV) are prohibited on all County beaches (except for official use by governmental and enforcing agencies).
- People licensed to harvest shellfish in either Oak Bluffs or Edgartown may drive on the Sengekontacket Pond shoreline of Joseph Sylvia State Beach to access their shellfishing areas. Vehicles must stay on the dry sand between the dune and the normal high tide waterline, so access is not possible during some high tides.
- There is a \$50 fine for violation of Section 1 (Mass. General Law Section 161 Acts 1971.)

PROTECTION OF DUNES AND VEGETATION - Dunes protect nearby land from storm surges and storm damage. Beach vegetation stabilizes dunes and encourages natural dune growth by trapping wind-blown sand.

- Do not climb the dunes.
- Do not walk on the vegetation – many plants are killed by foot traffic.
- Do not cut, dig or remove wildflowers – they are there for all to enjoy.
- Harvest of berries (blueberries, beach plum, rose hips) is permitted.
- There is a \$50 fine for violation of Section 2 (Mass. General Law Section 161 Acts 1971.)

WILDLIFE PROTECTION – Parts of these beaches have traditionally been used by native rare wildlife, including least terns and piping plovers. Ropes and signs mark these areas from April 1 – August 31, or until the nesting season ends. Ropes and signs will be removed as soon as the nesting season ends.

- Keep out of wildlife protection areas.
- Kite flying is prohibited within 100 yards of posted bird nesting habitat – kites resemble predators and disturb nesting birds.
- There is a \$50 fine for violation of Section 3 (Mass. General Law Section 161 Acts 1971).

DOGS AND PETS – Many dogs and pets like the water as much as we do. However, some restrictions are necessary to enable all of us to use and enjoy the beach. Dog and Pet Restrictions:

- 1 January – 31 March – No Restrictions;
- 1 April – 14 May – Dogs and pets are prohibited within 100 yards of posted nesting habitat by federal and state regulation. The prohibition is enforced throughout the nesting season, which generally lasts from the beginning of April through the end of August. The Recreation Department will remove the signs as soon as possible after nesting is concluded.
- 15 May – 30 August - Dogs and pets are prohibited within 100 yards of posted nesting habitat by federal and state regulation AND Dogs and pets are prohibited on all beaches between 9:00 a.m. and 5:00 p.m.;
- 1 September – 15 September - Dogs and pets are prohibited on all beaches between 9:00 a.m. and 5:00 p.m.;
- 16 September – 31 December – No Restrictions; and
- Dog and pet excrement must be picked up and properly disposed of.
- There is a \$50 fine for violation of Section 4 (Mass. General Law Section 161 Acts 1971).

PUBLIC SAFETY – To ensure public safety and a clean beach restrictions are necessary:

- No carrying or consuming alcoholic beverages.
- No overnight camping or sleeping.
- No open fires (charcoal grills may be used providing the coals are thoroughly doused, cold and buried before leaving the beach).
- No removing, defacing or otherwise damaging signs, posts, roping or other structures.
- No littering: Each visitor shall remove all rubbish, trash or refuse which he or she is responsible for (\$200 fine Massachusetts General Laws Chapter 270, Section 16). Please consider removing other litter as well.
- Behavior that endangers the public, causes a nuisance, or harasses wildlife is prohibited.
- There is a \$50 fine for violation of Section 5 (Mass. General Law Section 161 Acts 1971)

SPECIAL EVENTS - (clambakes, parties, family reunions, etc.) may be permitted through an advance permit from the [County Manager](#). There is a \$50 fine for violation of Section 6 (Mass. General Law Section 161 Acts 1971).

per order Dukes County Commissioners
Massachusetts General Laws Chapter 161 Acts 1971
Voted March 13, 2002

VEHICULAR ACCESS REGULATIONS

1 . Vehicles must be in four-wheel drive and must display a current Norton Point Beach sticker on front and rear bumpers. Stickers are not transferable.

2. Vehicles must be in the designated trail.
- 3 Vehicles are prohibited from driving along the bay side tidal flats at all times of the year.
4. Tires shall be maintained at a maximum of 15 pounds per square inch. If your tires start to spin in soft sand, let more air out of the tires.
5. The presence of nesting shorebirds may close part or all of the beach to vehicular access.
6. Driving or parking is prohibited in the following areas: On vegetation; Within 15 feet of snow fencing; Within 15 feet of the toe of a dune.
7. Speed limit of 5 miles per hour near nesting shorebirds (as posted).
8. Speed limit of 15 miles per hour elsewhere on beach.
9. In places the designated trails are wide enough for only one vehicle; use designated pull off areas to allow oncoming traffic to pass.
10. Parking on designated trails or in pull off areas is prohibited.
11. All vehicles must carry the following:
 - * Beach regulations;
 - * Spare tire;
 - * A rope, strap, chain or cable of sufficient strength and length to tow your vehicle.
 - * Jack and a board to go under the jack (a jack in loose sand is useless);
 - * Heavy duty shovel;
 - * Tire pressure gauge registering 10 psi or less.
12. Drivers must fill in the ruts and or holes they dig to remove their vehicle from loose sand.
13. The beach manager and/or County Commissioners may enact and post additional regulations to protect public health and safety or to protect the integrity of the beach.

http://www.dukescounty.org/Pages/DukesCountyMA_NaturalResources/rules/

Nantucket:

No regulation found

Barnstable:

No regulation established for county; all handled by cities

Bristol:

No regulation established for county; all handled by cities

Plymouth:

Route 139 runs along the beach area in this county, no need for beach driving

Norfolk:

County does not regulate the beaches

Suffolk:

County does not regulate the beaches

Essex:

County does not regulated the beaches

Cities:

Nantucket (County of Nantucket displays no code of regulation) –

Chapter 56: BEACHES, REGULATION OF MOTOR VEHICLES ON

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-6-1987 by Art. 31, approved 7-15-1987. Amendments noted where applicable.]

§ 56-1. Purpose; applicability to private and public beaches. [Amended 5-5-1992 ATM by Art. 68, approved 5-28-1992; 4-30-2003 ATM by Art. 69, approved 6-30-2003]

The purpose of this chapter is to protect the beaches of Nantucket by controlling the use and operation of motor vehicles thereon as well as to regulate commercial activities on the beaches of Nantucket, as such uses, are deemed to have a significant effect on wetlands values, including but not limited to flood control, erosion control, storm damage prevention, fisheries, shellfish, wildlife and recreation; on beach scenic views; on excessive noise; on the natural, scenic, historic and aesthetic qualities of the beach environment on Nantucket; on the public safety and welfare; and on the preservation of peace and good order. Such protection is extended to private as well as public beaches as a correlate to owners giving express or implied consent to the use of beach area for commercial use and/or operation of motor vehicles thereon.

§ 56-2. Definitions.

In this chapter, the following terms, unless a contrary meaning is required by the context or as specifically prescribed, shall have the following meanings:

BEACH — All land situated between Nantucket Sound and the Atlantic Ocean, on one side, and the primary coastal bank, the line of upland vegetation, on the other side, except that such term shall include all dunes, whether or not between such perimeters.

COMMERCIAL ACTIVITIES — Refers to any activity or event where money is paid to an individual or business entity for services rendered on the beach. Not included in this definition is any commercial activity sponsored by the Town of Nantucket, the

Nantucket Islands Land Bank, the Commonwealth of Massachusetts or the United States, and any instrumentality thereof. [Added 4-30-2003 ATM by Art. 69, approved 6-30-2003]

MOTOR VEHICLES — All land vehicle machines or devices which include an internal combustion engine or other mechanical nonhuman source of power.

RECREATION VEHICLE — Any motor vehicle designed or modified for use over unimproved terrain. Such recreation vehicles are sometimes referred to as "off-road vehicles" (ORV) or "all-terrain vehicles" (ATV). Recreation vehicles excluded from the scope of MGL c. 90B are to the same extent excluded from this definition. [Added 5-17-1988 ATM by Art. 108, approved 9-28-1988]

§ 56-3. Promulgation of rules and regulations. [Amended 5-5-1992 ATM by Art. 68, approved 5-28-1992; 5-4-1993 ATM by Art. 51, approved 5-24-1993; 4-30-2003 ATM by Art. 69, approved 6-30-2003]

After due notice, the Board of Selectmen may promulgate rules and regulations relating to the use and operation of motor vehicles on Nantucket beaches and to regulate commercial activities on the beaches of Nantucket, to effectuate the purposes of this chapter. Failure by the Board to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this chapter. Such rules and regulations relating to the use and operation of motor vehicles on Nantucket beaches shall be specifically detailed in materials given to purchasers of Town beach stickers when application is made for the sticker. Such rules and regulations relating to the permitting of commercial activity on Nantucket beaches shall be made available to applicants for commercial activity permits.

§ 56-4. Exemptions. [Amended 5-17-1988 ATM by Art. 108, approved 9-28-1988; 5-4-1993 ATM by Art. 51, approved 5-24-1993]

- A. This chapter shall not apply to any law enforcement, fire/rescue or official vehicle of the Town or Commonwealth of Massachusetts or any other vehicle engaged in any bona fide emergency response.
- B. This chapter shall not apply to electric wheelchairs or other disability-related mobility aids. [Added 4-12-1994 ATM by Art. 71, approved 4-29-1994]

§ 56-5. Violations and penalties. [Amended 5-5-1992 ATM by Art. 68, approved 5-28-1992; 5-4-1993 ATM by Art. 51, approved 5-24-1993; 4-30-2003 ATM by Art. 69, approved 6-30-2003]

- A. Whoever operates or allows to be operated a vehicle, which is in violation of this chapter or who violates any other section or provision of this chapter shall be punishable by a fine of \$300 for the first violation. Each day during which a violation occurs shall constitute a separate offense. Subsequent violations may result in revocation of a Town beach sticker, subject to the right of the offender to an appeal to

the Board of Selectmen.

- B. Any police officer or Town beach monitor or beach manager is designated as enforcing persons who may utilize the noncriminal disposition specified in MGL c. 40, § 21D.

§ 56-6. Prohibited activities. [Added 5-17-1988 ATM by Art. 108, approved 9-28-1988; amended 5-5-1992 ATM by Art. 68, approved 5-28-1992; 5-4-1993 ATM by Art. 51, approved 5-24-1993]

- A. No person shall operate or allow to be operated upon any beach any two-, three- or four-wheeled unregistered recreational vehicle without the expressed written permission of the property owner. [Amended 4-30-2003 ATM by Art. 69, approved 6-30-2003]
- B. No person shall operate or allow to be operated upon any beach any vehicle which is in violation of § 56-3 or the rules and regulations promulgated under the authority granted to the Board of Selectmen herein. [Amended 4-30-2003 ATM by Art. 69, approved 6-30-2003]
- C. No person shall operate or allow to be operated upon any beach any vehicle which is in violation of any law, rule or regulation relevant to the safe operation of said vehicle.
- D. No person shall operate or allow to be operated upon any beach any vehicle which does not have a beach vehicle sticker issued and displayed in accordance with this chapter.

§ 56-7. Beach vehicle stickers; penalty. [Added 5-5-1992 ATM by Art. 68, approved 5-28-1992]

- A. Beach vehicle stickers shall be issued, upon payment of a fee to be set by the Board of Selectmen, to owners, lessees or lessors of four-wheel-drive motor vehicles having a valid motor vehicle registration. The applicant for said sticker shall complete and sign an application and provide such information as may be required, including proof of motor vehicle liability insurance. Such applicant shall also be required to indemnify and hold harmless the Town of Nantucket and any other property owner upon whose property such applicant operates a Motor Vehicle as a condition of receiving a Town beach sticker. The issued sticker shall remain the property of the Town and may be forfeited upon any violation of this chapter. All funds generated from the sale of Town beach stickers shall be deposited in a separate revolving account pursuant to MGL c. 44, § 53E 1/2, and used solely for the implementation and enforcement of this chapter and the cleaning, protection and conservation of beaches, maintenance of public access to beaches, the hiring and training of coastal resource personnel, purchase of equipment, education and training opportunities for beach users to be administered by the Board of Selectmen, and total funds to be expended shall not exceed collected revenue. [Amended 5-4-1993 ATM by Art. 51,

approved 5-24-1993; 4-10-1995 ATM by Art. 65, approved 7-31-1995; 4-30-2003 ATM by Art. 69, approved 6-30-2003; 4-12-2004 ATM by Art. 46, approved 9-3-2004]

- B. The beach vehicle stickers, issued in pairs, shall be affixed on or near the front and rear bumpers of the vehicle. The sticker-issuing officer shall mark each sticker with the vehicle's registration or license plate number and the date issued. Stickers shall have a distinctive color for the calendar year of issue.
- C. Each pair of beach vehicle stickers shall bear a unique set of identifying letters or numbers and shall be kept affixed to the vehicle during its operation on a beach so that they are clearly legible in daylight. Stickers not properly displayed shall be invalid. [Amended 4-30-2003 ATM by Art. 69, approved 6-30-2003]
- D. Beach vehicle stickers are a privilege, conferring no property interest or other right, and may be revoked at any time by written notice or physical removal without due-process hearing. Beach vehicle stickers issued for a given vehicle are not valid if transferred to another vehicle. Absent a violation, they shall be valid for the calendar year of issue. [Amended 5-4-1993 ATM by Art. 51, approved 5-24-1993]
- E. The Board of Selectmen shall determine the fee for beach vehicle stickers. The sticker fee shall be established to provide sufficient funds to cover budgeted expenses for beach management, including but not limited to purchase of materials, construction and maintenance of fencing, police patrol expenses and hiring of employees. The sticker fee for the lessors of four-wheel-drive rental vehicles shall be not more than five times the amount of the established sticker fee, and the replacement cost of any revoked sticker shall be not more than 10 times the established fee. The collected fees shall be placed in a separate account and disbursed for the purposes designated by this chapter. Budget development shall be overseen by Town Administration. [Amended 5-4-1993 ATM by Art. 51, approved 5-24-1993; 4-10-1995 ATM by Art. 66, approved 7-31-1995; 4-30-2003 ATM by Art. 69, approved 6-30-2003]
- F. **Editor's Note: Former Subsection F, regarding four-wheel-drive vehicles without valid stickers, was repealed 5-4-1993 ATM by Art. 51, approved 5-24-1993, which provision also redesignated former Subsection G as current Subsection F.** The Board of Selectmen may waive any provision of this chapter for good cause shown and may appoint an administrative hearing officer to hear any request or complaint of a person aggrieved by any provisions of this chapter or by an action taken hereunder.

§ 56-8. Educational program. [Added 5-5-1992 ATM by Art. 68, approved 5-28-1992]

- A. All operators of motor vehicles displaying beach vehicle stickers shall be notified, in writing, of the provisions of this chapter and of state laws and regulations applicable to motor vehicle use on beaches, public or private.
- B. The Town Administrator shall, prior to June 1 of each year, prepare and distribute for persons holding or obtaining beach vehicle stickers an annual map showing ways properly open for motor vehicles access to Nantucket beaches and any time or other limits upon beach access established under this chapter or other Town bylaw or by

state law or regulation. [Amended 4-30-2003 ATM by Art. 69, approved 6-30-2003]

- C. A copy of the current map and notice shall be in the vehicle and available to the operator during every such use. **Editor's Note: Former § 56-9, Promulgation of rules and regulations, added 4-10-1995 ATM by Art. 66, approved 7-31-1995, which immediately followed this subsection, was repealed 4-30-2003 ATM by Art. 69, approved 6-30-2003.**

Newburyport:

Sec. 4-101. Regulations for the use of the beach at Plum Island.

(a) No person shall discard trash, rubbish, garbage or any other litter on any part of the public beach. All trash or garbage shall be placed in a suitable metal container. Each such offense shall be punishable by a fine of twenty-five dollars (\$25.00).

(b) No person shall start or maintain an open fire without a suitable permit issued by the fire department. No person shall camp, tent or sleep on any part of the public beach. No trailers will be used for camping, tenting or a living quarters. Each such offense shall be punishable by a fine of fifty dollars (\$50.00).

(c) No person shall operate or use any motor vehicle or motorized bicycle on any part of the beach, with the following exception:

(1) Emergency vehicles engaged in the protection of life and property and sanitation.

(2) Motorized equipment located at Plum Island Point for the placement of docking and boating equipment for the safety of passengers embarking or disembarking boats commercially operated for fishing parties.

Each such offense shall be punishable by a fine of fifty dollars (\$50.00).

(d) All persons engaged in any sporting activities or games including fishing and surfing shall discontinue such activity for public safety if instructed by the lifeguard or a police officer.

(e) The owner or person in control of a dog or any other animal shall not allow the dog or other animal to be on any part of the public beach between May 15 and September 15 of each year. Each such offense shall be punishable by a fine of twenty-five dollars (\$25.00)

(Ord. of 6-25-84(2), § 16-64; Ord. of 12-11-89; Ord. of 7-13-98)

Barnstable (regulation given specifically for Sandy Neck Barrier Beach:

§ 601-1. Introduction.

Sandy Neck, a coastal barrier beach, is approximately six miles long, varying in width from 200 yards to 1/2 mile. The majority of this unique conservation and recreation area is owned by the Town of Barnstable and is under the supervision and jurisdiction of the Town Manager, with the advice of Sandy Neck Board. Help us to preserve and protect the heritage and integrity of this resource by reading this and abiding by the rules and regulations outlined herein.

§ 601-2. Beach closures for protection of rare and endangered species.

Shorebirds, including Piping Plovers and Least Terns, nest on Sandy Neck. To protect nesting activity, shorebird nesting areas are fenced to exclude pedestrians and speed limits are reduced to five miles per hour where posted. The Piping Plover, a threatened species under the Endangered Species Act, is given special protection once eggs begin to hatch. Pursuant to federal, state and local law, vehicle traffic is limited to protect developing chicks not yet able to fly.

§ 601-3. General regulations.

- A. Acts of a lewd or lascivious nature (including public nudity) are prohibited.
- B. All rubbish and garbage must be kept in suitable containers and removed from the beach. Burial of rubbish, garbage or refuse is prohibited.
- C. No person shall feed, harass, molest or disturb wildlife on Sandy Neck. No person shall injure or remove any trees, shrubs, plants or other vegetation from Sandy Neck. Exception: edible fruits and legally hunted game.
- D. No person shall dig, remove, damage or disturb any artifact on Sandy Neck. The discovery of any artifact(s) should be reported to the Natural Resource Officer on duty.
- E. Removal or disturbance of buoys, storm debris, marine salvage, or municipal or private property is prohibited.
- F. No person shall traffic (or allow any pet to traffic) in any posted area. All persons shall keep off all vegetation, dune faces, steeply sloped dunes, foredunes, and primary dunes.
- G. All dogs must be leashed from March 1 to September 15. At all other times, dogs must be kept leashed or under direct voice control of the owner or keeper. The owner or keeper of any dog shall clean up and properly dispose of all fecal material deposited by the animal. **Editor's Note: See Ch. 403, Dog Control.**
- H. Summer curfew (May 1 to October 15): No vehicles may enter the beach after 9:00 p.m.. Vehicles must exit prior to 11:00 p.m. Winter curfew (October 16 to April 30): No vehicles may enter the beach after 6:00 p.m. All vehicles must exit prior to 8:00 p.m. Self-contained vehicles, fishermen, cottage owners and their guests may enter the gate past curfew if tidal conditions allow. Curfew may be moved forward as tidal conditions warrant.
- I. All organized gatherings at Sandy Neck involving 20 or more individuals must obtain a special permit from the Park Manager. A special permit is also required in order to conduct scientific research on Sandy Neck. Fees may apply. Please call the Sandy Neck gatehouse for further information (508-362-8300).
- J. Weather permitting, evening campfires on the front beach are allowed after 7:00 p.m. Memorial Day through Labor Day and after sunset during the rest of the year. Fires on the front beach shall be at least 25 feet from the toe of any frontal dune or

vegetation. All fires shall be doused with water before being buried. Natural Resource Officers have final discretion on all fires.

- K. Fires may be placed on the Cape Cod Bay side of the established vehicle corridor with proper authorization from the Natural Resource Officer on duty. Said fires shall not impinge on vehicle travel in the established corridor.
- L. All people sleeping overnight at Sandy Neck shall remain inside self-contained vehicles. No tenting lean-tos, camping trailers, or temporary shelters are allowed. Registered owners will be responsible for anyone sleeping outside of said vehicles, i.e., in sleeping bags, tents, chase vehicles, or any other manner (Chapter 147, Article II, Camping). Tenting in designated areas is allowed at the discretion of the Park Manager.
- M. The discharge of gray water or wastewater from holding tanks, portable toilets, sinks, or any other source is prohibited (Chapter 40, Boats, Article I, Operation).
- N. If high tide forces passage within 15 feet of the toe of the dune or any vegetation, the beach shall be considered closed, with no traffic being allowed to travel either off or on, until the Natural Resource Officer on duty has determined the tide has receded to an appropriate level.
- O. When vehicle limits reach capacity, there will be no waiting lines (no "one-off-one-on" policy). Access will be on a first-come-first-served basis. Cottage owners and their guests, and chase vehicles returning from emergency work, will be allowed access over the beach if tidal conditions permit.
- P. No dealer, farm, or repair plates will be accepted for registration.
- Q. The Park Manager reserves the right to close or limit use of Barnstable's land at Sandy Neck to all off-road vehicles (ORVs), horses, and/or pedestrian and recreational traffic when public safety, wildlife habitat, tidal or extreme weather conditions warrant. This includes access for fishing, shellfishing, and hunting.
- R. Vehicles leased for a minimum term of one year will be allowed to register for over-sand travel. Vehicles rented or leased for shorter terms are ineligible for over-sand permits.
- S. Vehicle operation on those areas of Sandy Neck owned by the Town of Barnstable, by election to exercise the privilege of driving on this Town property, which is not a public way, are subject to being stopped by Natural Resource Officers or the Park Manager (or any other employee designated by the Town Manager to enforce the regulations at Sandy Neck) in order to ascertain the identification of the occupants, and to determine if there are violations of the Sandy Neck Barrier Beach regulations and/or the Barnstable general ordinances.

§ 601-4. Required equipment and minimum standards.

- A. All vehicles must carry the following equipment.
 - (1) Spare tire: spare shall be the same tire and wheel size as the other four tires

mounted on the vehicle (trailer included).

- (2) Exception: two-wheel drive motor homes and "dune buggies" must carry one spare tire of sufficient height and aspect ratio to allow the vehicle to drive off the beach under its own power should any of the tires mounted on the vehicle fail.
 - (3) Tow device: minimum length 15 feet.
 - (a) Rope: 3/4 inch diameter; or
 - (b) Strap: 6,800 pounds capacity, 1 1/2 inches wide; or
 - (c) Chain: 5/16 inch link; or
 - (d) Cable: 3/8 inch diameter, or
 - (e) Suitable vehicle-mounted winch.
 - (4) Jack: standard type jack or hydraulic bottle jack.
 - (5) Support board: minimum size 18 inches by 18 inches by 3/4 inch plywood or 1/4 inch thick steel.
 - (6) Shovel: heavy duty, equal to military folding type or better.
 - (7) Tire gauge: low pressure type, must register 10 psi or lower.
 - (8) Sandy Neck regulations and current chart (both provided).
- B. It is recommended that all vehicles have a fire extinguisher and a first aid kit.
- C. Minimum acceptable tire rim size for all vehicles is 13 inches.
- D. Trailers.
- (1) All trailer tires must meet the minimum rim size of 12 inches.
 - (2) All vehicles towing a trailer onto Sandy Neck must purchase a pass for towing vehicle and the trailer.
 - (3) All trailers must be inspected and receive an inspection sticker at the gatehouse prior to access.
 - (4) Matching spare tire is required.
- E. Campers. No refunds will be granted for any reason including foul weather, evacuations, personal emergencies, or limitations on access.
- F. Self-contained vehicles.
- (1) Self-contained camping vehicles are allowed to stay overnight when equipped with a permanently installed sanitary unit with holding tanks for sewage and gray water, and adequate built-in bed space for each member of the camping party.
 - (2) Maximum stay for self-contained vehicles is 96 hours. All self-contained vehicles shall exit the beach for a minimum of 24 hours before being readmitted. Natural Resource Officers may reduce the maximum stay of a self-contained

vehicle.

- (3) Properly equipped two-wheel drive permanently self-contained vehicles are allowed, subsequent to a week day "trial run" (appointment required) supervised by a Natural Resource Officer. Vehicles with stickers from the prior calendar year do not need to repeat the trial run.
- (4) Only one designated chase vehicle is permitted per self-contained vehicle.

G. Motor vehicle operation.

- (1) Speed limit.
 - (a) No person shall operate a motor vehicle on Sandy Neck at a rate of speed greater than is reasonable and proper, or in excess of posted speed limits.
 - (b) Unless otherwise posted, the speed limit shall be 15 miles per hour from May 1 to October 15. Speed shall not exceed 35 miles per hour all other times.
 - (c) Maximum speed near shorebird nesting areas is five miles per hour.
- (2) Permits.
 - (a) All motor vehicles operating over sand on Sandy Neck must have a valid Sandy Neck ORV sticker attached on the windshield on the driver's side (or as directed by the gatehouse staff). All expired Sandy Neck Inspection stickers must be removed from view.
 - (b) All motor vehicles must obtain a valid pass to operate on the front beach of Sandy Neck.
- (3) No person shall operate a motor vehicle on the following areas:
 - (a) The designated public bathing beach; or
 - (b) The foreshores, tidal flats, foredune area, vegetation, posted shorebird nesting areas or other closed areas; or
 - (c) Outside of the over-sand vehicle corridor; or
 - (d) Within the inner dune routes and cross trails without a valid trail pass.
- (4) All vehicles shall be parked parallel to the frontal dune, at least 15 feet from the toe of the dune, unless otherwise directed by the Sandy Neck Staff.
- (5) Self-contained vehicles shall always have the right-of-way due to size and weight of the vehicle. Otherwise, vehicles with the Cape Cod Bay on the driver's right have the right-of-way. No person shall obstruct the over-sand vehicle corridor or park so as to impede vehicle travel within said corridor.
- (6) No person shall operate a passenger vehicle with tire pressure in excess of 18 pounds per square inch. (Self-contained campers shall maintain tire pressure appropriate for the vehicle.)
- (7) No person shall operate a vehicle:

- (a) Without a valid driver's license; or
 - (b) So as to endanger the public; or
 - (c) Engage in dunehopping, driving through water, doing "zigzags," "donuts," "cutting tracks" or in any other reckless or unacceptable fashion.
- (8) Riding on fences, tailgate, roof or any exterior portion of a vehicle not designed to carry passengers is prohibited.
- (9) All holes, campfire remains or alterations of the beach shall be restored to natural condition.

Sandwich (regulation for multiple beaches):

Public Beaches & Conservation Areas

[Beaches](#) | [Conservation Lands](#) | [Fishing](#)

Sandwich Beaches

There are three saltwater and two freshwater beaches in Sandwich. Beach stickers can be purchased annually at the Tax Collector's Office, Town Hall Annex, 145 Main Street.

First Vehicle:

Resident Beach Sticker - \$25.00 each (all Sandwich beaches including Sandy Neck)

Second Vehicle:

Resident Beach Sticker - \$15.00 (must be registered at same address)

Non-Resident Beach Sticker - \$120.00 each (excluding Sandy Neck, Peter's Pond and Snake Pond)

Third Vehicle:

Resident Beach Sticker - \$25.00 (must be registered at same address)

Ryder Only: \$60.00 for the season

Daily rate: \$10.00 (excluding Snake Pond, Sandy Neck and Peters Pond Property)

Ocean:

Town Neck Beach/Boardwalk: Town Neck Road to Wood Avenue.

East Sandwich Beach: Ploughed Neck Road to North Shore Boulevard.

Sandy Neck Beach (residents only): Route 6A to Sandy Neck Road. Four-wheel drive permits are available through the Gatehouse at Sandy Neck Beach, (508) 362-8300, or through the Barnstable Department of Natural Resources (508) 790-6272.

Fresh Water:

Snake Pond Beach (residents only): Route 130 to Snake Pond Rd.
Wakeby Lake/Ryder Conservation: Cotuit Rd to South Sandwich Rd.
Peters Pond Property (residents only)

Dennis (Beach Parking, designated by regulation for specific areas; website given):

<http://www.town.dennis.ma.us/dept/Beach/Beach%20Brochure%202007.pdf>

Brewster (Beach Parking):

Beach Parking

Parking stickers are required 9am-3pm daily, June 14-Labor Day at all town beaches.

Stickers are required 9am-3pm daily, June 14-Labor Day at all town beaches. From June 1st through September 3rd, stickers are sold 7 days a week (starting 6/1) at the rear entrance of the Brewster Town Office Building, Visitor Information Center, 2198 Main St (Route 6A) from 9am-3pm (896-4511). Beaches close at 10pm. Cookouts on beaches are allowed only on private beaches and with permits from the Brewster Fire Department. No fires are allowed at public beaches. Dogs are not allowed on beaches between the dates of June 1st and October 1st. (Full parking permit regulations are found below.)

Please understand that this permit must be displayed on the back bumper of your car or, in the case of a daily or weekly pass, inside the rear window of the vehicle.

This permit does not guarantee a parking place at any of the beaches. We have limited parking at the Town beaches. You must have a permit when parked at the beaches, but actual parking is on a first come basis. There is a \$30.00 fine for all parking violations, including parking at a beach without a valid permit.

Residents: \$15/season (Residents must provide auto registration and proof of residence.)

Non-Residents: \$15/day, \$50/week, \$125/season/

Updated Parking Fines:

Beach Parking Regulations \$30
Restricted/Prohibited Area \$30
Parking within 10 Feet of Hydrant \$30
Obstructing a Driveway \$30
Parking within 20 Feet of an Intersecting Way \$30
Snow Removal \$30

Bicycle Regulations \$30
Wrong Direction \$30
Obstructing a Sidewalk \$30
Obstructing a Crosswalk \$30
All Night Parking \$30
Other (see above) \$30

[Brewster Beach Map](#)

Bay Beaches

Public beaches on Cape Cod Bay, starting from the east end of town: Crosby Landing, Linnell Landing, Ellis Landing, Point of Rocks Landing, Breakwater Beach, Saint's Landing, Robbins Hill Beach, and Paines Creek Beach.

There Are No Lifeguards at Bay Beaches

Portable toilets at Paines Creek, Robbins Hill, Saints, Ellis, linnell, Breakwater, and Crosby.

Freshwater Ponds

Long Pond Beach is accessible from Crowell's Bog Road, off Route 124. Lifeguard on duty from July 4th weekend to Labor Day Weekend, seven days a week, from 9am to 4pm. Portable toilets are available. **Sheep Pond**, accessible from Fisherman's Landing, and **Upper Mill Pond**, accessible from Run Hill Road, have no lifeguards, but portable toilets are available.

**VEHICLE PASS REGULATIONS
FOR FISCAL YEAR 2008 (Summer 2007)**

1. Vehicle passes for Fiscal Year 2008 will be available in the Tourist Information Center at the rear of Brewster Town Offices, 2198 Main Street, seven days per week, **INCLUDING HOLIDAYS**, from June 1, 2007 through Labor Day. From September 4, 2007, Landfill Passes will be available Monday through Friday, 8:30 a.m. to 4:00 p.m., in the Selectmen's Office at Brewster Town Office Building.
2. Hours for sale of passes will be from 9:00 a.m. to 3:00 p.m.
3. All individuals must produce their motor vehicle registration in order to be issued a pass.
4. All passes will be non-transferable. After the original issue, a replacement pass will be available free of charge for new registrations or changes in motor vehicles with a receipt or cancelled check. Stickers cannot be replaced without a receipt or a cancelled check for the amount of the sticker.

5. Year-round residents/real estate taxpayers will be issued a pass only if they can provide sufficient proof of their status; i.e., deed, tax bill, water bill, license, registration, year-round lease, etc.
6. Individuals not having their place of permanent residence or property ownership in Brewster are not qualified to receive a resident/taxpayer pass.
7. Guests and relatives of residents/taxpayers are not eligible for a resident/taxpayer pass. This includes members of the immediate family or relatives who are temporarily residing in the Town.
8. In order to obtain a resident/taxpayer vehicle pass for additional vehicles, a receipt or cancelled check for the first vehicle must be shown.
9. Individuals who have repair plates may be issued a vehicle pass. These passes must be issued from the Selectmen's Office only and must be secured to the vehicle by a member of the Selectmen's staff.
10. Individuals who have dealer plates may be issued a vehicle pass if that is their sole vehicle.
11. Individuals who lease a vehicle must show a lease agreement, with their name appearing on said lease and proof they are a resident/taxpayer. If your name does not appear on the lease agreement, you must provide some other sort of proof (a monthly bill) showing that the vehicle is leased by you. Individuals who use a corporate, leased vehicle must show a corporate business card with their name on said card, as well as proof they are a resident/taxpayer.
12. The following are the fees for non-resident beach passes:

Daily \$ 15.00
Weekly \$ 50.00
Seasonal \$125.00

Salem:

Per rep from Parks and Rec., Salem does not have any ORV beaches.

Orleans (Town of):

TOWN OF ORLEANS

RULES AND REGULATIONS FOR BEACH STICKER ELIGIBILITY

SECTION I GENERAL ELIGIBILITY AND REQUIREMENTS

1. "Eligible persons" for the purpose of these rules and regulations are persons who are entitled to beach stickers because they meet the real estate taxpayer or residence requirements outlined below. Persons denied stickers may appeal through submission of a form entitled "Sticker Appeals", available in the

Treasurer/Collector's Office.

2. The burden of proof of sticker eligibility rests on the applicant. At all times, the sticker remains the property of the Town of Orleans. The person to whom the sticker has been issued has purchased a use privilege, not the sticker itself (see Sections VII and VIII below).

3. All stickers are "vehicle-specific." Each sticker will bear the license plated number of the vehicle to which issued and shall be valid only if permanently attached to the vehicle.

4. Current vehicle registrations must be provided, showing the name of the eligible person as the owner. In the case of a leased or rented vehicle, the eligible person's name must appear on the lease or rental agreement.

SECTION II REAL ESTATE TAXPAYERS

1. Applicants must appear by name on the current assessor's list of property owners. New owners who have not yet been placed on the list must provide a copy of the deed.

2. Spouses of real estate taxpayers are eligible, but must provide proof of their relations to, and common household with, the real estate taxpayer (e.g., insurance policy, driver's license, address portion of tax return, etc.).

3. Children of real estate taxpayers are eligible through the age of 21 only. Beyond that age, regardless of student or dependent status, they are considered to be adults and are not eligible. Proof of age will be required.

4. In cases of properties owned by trusts, the trustees of the trust are eligible, not the beneficiaries. Sufficient documentation, such as an excerpt of the trust agreement, must be provided to demonstrate the applicant's appointment as trustee.

5. Non residents who own businesses in Orleans and thus pay real estate taxes are entitled to two free beach stickers on their personal vehicles.

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6. Non-resident real estate taxpayers, without a habitable dwelling or occupancy permit on the Orleans property, are eligible for a beach sticker.

SECTION III YEAR ROUND RESIDENTS WHO ARE NOT REAL ESTATE TAXPAYERS

1. Year round residents who are not real estate taxpayers must appear on the Town's current census. New residents who have not yet been placed on the list must provide three proofs of residency to include: vehicle registration, drivers' license, and telephone or electric bills all with the same Orleans street address (not P.O. Box).

2. Current vehicle registrations must be provided showing the name of the eligible person as the owner, and an Orleans street address (not a P.O. Box). In the case of a leased or rented vehicle, the eligible person's name and Orleans street address must appear on the lease or rental agreement.

SECTION IV VEHICLES REGISTERED TO BUSINESSES

1. If the vehicle for which the sticker is being sought is registered or leased to a business, the eligible person's connection to the business must be shown by either an insurance policy or a pay stub which clearly shows the eligible person's connection to the business. Businesses owned by eligible persons are entitled to

a maximum of two stickers, regardless of the number of vehicles owned by the business.

2. No sticker will be issued to vehicles with dealer or repair plates unless the vehicle has a valid state inspection sticker. A limit of one beach sticker will be issued to each eligible person seeking stickers on such vehicles.

SECTION V MISCELLANEOUS

1. Active military personnel whose home of record is Orleans and who are on the Orleans voting list are eligible to obtain residential stickers.
2. Full time employees of the Town who do not reside in Orleans may obtain one free beach sticker.
3. An eligible person who does not own a vehicle, or does not drive, may obtain a letter signed by the Treasurer which allows that person to enter the beach or transfer station when driven by a third party. **The eligible person must be in the vehicle at the time of entry and produce identification if requested.**

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SECTION VI REPLACEMENT STICKERS

Replacement beach stickers are available for free if the old sticker is turned in when applying for a replacement sticker.

SECTION VII MISUSE OF STICKERS

The following shall be considered a misuse of stickers:

1. Sticker registration number not matching the license plate number of the vehicle to which it is attached.
2. Sticker not permanently affixed to the vehicle.
3. Sticker altered, defaced, copied or made unreadable.
4. Any violation of the rules and regulations for the use of the beach as promulgated by the Town of Orleans.

SECTION VIII PENALTIES AND REVOCATION OF STICKERS

1. The Parks and Beaches Superintendent or his duly authorized agents may remove stickers if misuse is detected. Persons whose permits have been suspended or revoked have the right to appeal within seven days to the Parks and Beaches Superintendent, who upon receipt of a written request to do so, shall arrange a hearing on the appeal to the Park Commission.
2. Penalties for infraction of any of the above regulation will be revocation of the sticker and/or a fine of up to \$300.
3. Authority for the enforcement of the rules and regulations shall rest with the Parks and Beaches Superintendent, Chief of Police, or their authorized agents.

Eastham (Town of):

Chapter 26: BEACHES

[HISTORY: Adopted by the Town Meeting of the Town of Eastham as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

General penalty — See Ch. 1, Art. I.

Boating — See Ch. 30.

ARTICLE I Four-Wheel Drive Vehicles on Beaches [Adopted 5-1-1978 ATM by Art. 2]

§ 26-1. Operation restrictions.

Operation of dune buggies, motorcycles, minibikes, snowmobiles, all-terrain vehicles and ground-effect or air-cushioned vehicles are prohibited from all flats, beaches, dunes and marshes within the Town of Eastham. Only vehicles with properly operative four-wheel drive shall be allowed to operate on beaches within the Town of Eastham, and all such operations shall be restricted as follows:

- A. All vehicles shall be registered for over-the-sand use at the Eastham Selectmen's office and shall receive a permit which may be suspended or revoked for cause by the Selectmen.
- B. All operation of vehicles on the beaches and flats located on the western shore of Eastham shall be prohibited during the months of June, July, August and September.
- C. All operation of vehicles shall be prohibited from the beach, dune and marsh area lying south of Coast Guard Beach until May 31, 1979.
- D. Maximum speed limit on any beach area shall not exceed 15 miles per hour.
- E. All vehicles operating on the beach shall be equipped with a shovel, vehicle jack, board or other suitable jack support, spare tire, low-pressure gauge, tow rope or strap.
- F. No vehicle shall operate upon any beach vegetation, dune or marsh within the Town of Eastham.

§ 26-2. Ban and limits on numbers of vehicles.

The Board of Selectmen shall have the right to ban or limit the number of four-wheel drive vehicles operating or parking in any beach area and may, after a public hearing, prohibit, restrict or regulate such vehicle use if, in its judgment, such limitation, restriction or prohibition is appropriate to protect the public welfare and preserve the natural government.

§ 26-3. Exceptions.

This bylaw shall not apply to Town, county, state, or federal vehicles operated by authorized personnel acting in an official capacity.

§ 26-4. Violations and penalties.

Whoever violates the provisions of this bylaw shall be subject to a fine in an amount not to exceed \$200 for each offense and/or suspension or revocation of the over-the-sand permit.

Beach Sticker Eligibility Rules

[Printer-Friendly Version](#)

To be eligible for Resident Stickers, the applicant must be one of the following:

1. A registered voter in the Town of Eastham

2. Listed as a year-round resident on the Town of Eastham Census
3. Listed as a property owner in the Assessor's Office
4. The spouse of a listed property owner
5. The dependent of a listed property owner with the same year-round address on a valid driver's license, picture ID or student ID.
6. A Trustee of property listed in the Assessor's Office
7. Active military personnel whose home of record is Eastham

And must present the following documentation:

1. Valid vehicle registration for each vehicle with the resident or taxpayer as the owner of the vehicle
2. Lease listing the resident or taxpayer as the lessee of a leased vehicle
3. Appropriate written documentation connecting a company owned or leased vehicle to the resident or taxpayer (i.e., business card or letter of authorization on company letterhead)
4. Persons presenting Dealer Plates must provide registration of vehicle or documentation connecting that vehicle to the resident/taxpayer

The Burden of Proof is the responsibility of the applicant.

General Eligibility and Requirements

1. Persons renting commercial property in Eastham DO NOT qualify for a Resident Beach Sticker.
2. A resident who is entitled to a Resident Beach Sticker, but who has no vehicle or does not intend to purchase a sticker for their own vehicle, may assign one Resident Beach Sticker to another individual. The person to whom the sticker is being assigned must be present with the resident to purchase the sticker and must provide vehicle registration and a valid driver's license at the time of purchase. This privilege is limited to one Resident Beach Sticker assignment per resident or taxpayer. Once a parking permit has been assigned, the person assigning that sticker is NOT entitled to purchase any further beach permits during that beach season.
3. In the case of property with a life tenancy provision, the Resident Beach Sticker shall be issued to the life tenant. Any other Beach Parking Permits issued to the same property shall be issued at the rate of a non-resident.
4. In the case of property held in trust, Resident Beach Stickers may be issued to trustees upon presentation of adequate written documentation of trustee status. Beneficiaries of the trust are NOT deemed owners of the property and as such are not eligible for a Resident Beach Sticker.
5. In the case of a year-round rental of a residential property, the Resident Beach Sticker shall be issued upon presentation of appropriate written documentation of the year-round rental. (i.e., copy of rental agreement, lease.)

Special Permits (Non-Resident Taxpayer Only)

Non-Residents of the Town of Eastham who do not own a vehicle in Eastham but rent (or otherwise) another vehicle may apply for a Special Permit. This permit allows the taxpayer to the same benefits as a standard, town-issued sticker. Permits are purchased at the same dollar value as a sticker. The name on the permit must match the name of the non-resident taxpayer of Eastham. Only the person(s) whose name appears on the permit is entitled to the privileges of the permit and must accompany the permit at the time of use.

Replacement Stickers

Replacement stickers will be issued upon reasonable proof of loss or theft of a sticker, or if the vehicle is traded or sold and plates are transferred to a new vehicle. Only one replacement per sticker is permitted in a season. A portion of the original sticker showing the printed number must be presented at the time of the replacement request. There will be a \$2.00 charge for a replacement sticker.

Misuse of Stickers

At all times, the sticker remains the property of the Town of Eastham. The person to whom the sticker

has been issued (pass holder) has purchased a use privilege, not the sticker and agrees that the sticker may be revoked by removal or other means if it is misused. The pass holder also agrees that the Town of Eastham through its Board of Selectmen will make the final judgment as to whether a sticker has been misused.

The following shall be considered a misuse of stickers:

1. Sticker registration number does not match the registration number of the vehicle to which it is attached.
2. Sticker is not permanently affixed to the vehicle.
3. Sticker has been altered, defaced, copied or made unreadable.

Approved June 24, 2002

**Town of Eastham
Recreation & Beach Department**

2500 State Highway Eastham Massachusetts 02642

Phone (508)240-5974 Fax (508) 240-5975 Email recreation@eastham-ma.gov

Visitor Beach Sticker & Shellfish Permit Mail-In Form

Purchase a visitor beach sticker through the mail and, once you arrive in town, head straight for the beach!

A one-week beach sticker costs \$50.00 per vehicle and is valid for seven (7) full days (IE: Saturday through

Friday NOT Saturday through Saturday). A two-week sticker costs \$90.00 per vehicle and is valid for fourteen

(14) days. A seasonal sticker costs \$135.00 and is valid for the summer. All three allow you to park at any of

the Town of Eastham bay beaches and ponds. Without a sticker, you are limited to certain areas where there is

a \$15.00 daily parking fee. (Town Visitor Beach Stickers are NOT valid at the Cape Cod National Seashore.)

What we need from you: 1. A copy of your valid vehicle registration.

2. The completed application (found below).

3. A self-addressed stamped envelope.

4. Check or money order made payable to "Town of Eastham".

If there is more than one (1) vehicle, please send copies of all applicable registrations.

Stickers are issued per

vehicle and are non-transferable.

Our sticker office is located at 555 Old Orchard Road (DPW/Natural Resources Building, just past the town

Transfer Station) and the telephone number is (508)240-5976. The office hours are

Monday through Saturday

9am-4pm, except for Wednesday when the office closes at noon. The office does not open for business until late

May. Office hours are subject to change later in the season. In season, weekly stickers may be purchased at

First Encounter Beach on Sundays only.

*****Please note, we do not begin processing sticker mail-ins until mid April. Thank you.*****

Name: _____ Phone Number: _____

Address: _____

Email Address (Optional): _____

One Week Dates of Visit (7 days): _____ # of sticker(s): _____ \$50
each: _____

Two Week Dates of Visit (14 days): _____ # of sticker(s): _____ \$90
each: _____

Seasonal Sticker (no dates are necessary): # of sticker(s): _____ \$135
each: _____

Visitor Shellfish Permit (valid June 1 - May 31): # of permit(s): _____ \$65
each: _____

Did you enclose? 1. A copy of your valid vehicle registration.

2. The completed application.

3. A self-addressed stamped envelope.

4. A check or money order made payable to "Town of Eastham".

Please mail to: Town of Eastham/Sticker Program 2500 State Highway, Eastham,
MA 02642

Wellfleet (Town of):

BEACH\BEACHREG

05/11/04, 06/13/06, 02/27/07

TOWN OF WELLFLEET

BEACH RULES AND REGULATIONS

Amended 12/18/00, 02/24/03, 01/27/04, 05/11/04, 06/13/06, 02/27/07

The Board of Selectmen of the Town of Wellfleet, MA, has adopted the following rules and regulations pertaining to the use of all Town-owned landing places and beaches within the Town of Wellfleet pursuant to the provisions of Mass. General Laws, Chapter 88, Section 19, Chapter 21, subsection (1) and Chapter 90B, Section 15(b) and any amendments thereof. The following beaches and landings are herein referred to as "All Town landing places and beaches":

* Duck Harbor * Gull Pond

* Powers Landing * Long Pond

* Indian Neck Beach * Great Pond

* Burton Baker Beach * Duck Pond

* Maguire Landing * Sluiceway at Higgins Pond - Sicker

* White Crest Beach Resident Required (amended 5/11/04)

* Cahoon Hollow Beach * Mayo Beach -- permit not required

* Newcomb Hollow *Marina -- permit not required

*Terminus of Chequesset Neck Road (the Gut) (amended 6/13/06)

The period starting the third weekend in June and ending on Labor Day between the hours of 9:00 a.m. and 5:00 p.m. is herein referred to as the "summer season"(amended 02/27/07)

The term "beach" herein shall mean any land bordering salt water from the highest wrack line to mean low water. (amended 02/27/07)

1. Any motor vehicle parked at a Town landing place or beach or on Nauset Road during the summer season must display a valid parking permit attached to the lower corner of the windshield on the driver's side. Only the current year's sticker may be displayed. Parking without a valid permit may be authorized only by the Board of Selectmen. (amended 02/24/03, 01/27/04, 02/27/07)
2. All Town landing places and beaches shall be closed between the hours of midnight and one half hour before sunrise each day from June 1 to October 1 except those persons actively engaged in fishing.
3. No trailers or overnight campers are allowed in beach areas or Town parking areas between midnight and one half hour before sunrise from June 1 to October 1 except those persons actively engaged in fishing.
4. Fishing or surfcasting is prohibited within 500 feet of all Town-landing areas from the 3rd Saturday in June through Labor Day. (amended 01/27/04)
5. Waterskiing is prohibited within 500 feet of all Town landing places and beaches. Use of personal watercraft is prohibited within 500 feet of all Town-owned beaches.
6. Jet skis are prohibited in any Town-owned parking lots or on any Town-owned beaches. Use of jet skis is prohibited within 500 feet of all Town-owned beaches.
BEACH\BEACHREG
05/11/04, 06/13/06, 02/27/07
7. Surfboarding will be allowed only in the White Crest Area located on Ocean View Drive from the 3rd Saturday in June through Labor Day. (amended 01/27/04)
8. Hang gliders are prohibited at any Town beach or landing, adjacent dunes and parking lots from April 15th through October 1. (amended 06/13/06 and 02/27/07)
9. Alcoholic beverages are prohibited at all Town-owned beaches.
10. No "Beach Parties" after 9:30 p.m. shall be permitted without first obtaining a permit therefore from the Chief of Police.
11. All "Beach Parties" after 9:30 p.m. with minors in attendance shall be suitably and adequately chaperoned and permits therefore shall first be obtained from the Chief of Police.
12. Beach fires are permitted only after obtaining a beach fire permit from the Town of Wellfleet Beach Sticker Office. (amended 06/13/06)
13. No dogs are allowed to be left in any parked vehicles in any beach parking lot or in any beach area or on Nauset Road from June 1 to October 15. Dog bathing in ponds is prohibited at all times.
14. Dogs are allowed, on a six-foot lead, before 9:00 a.m. and after 5:00 p.m. from the 3rd Saturday in June through Labor Day) on the following beaches: Duck Harbor, Newcomb Hollow, Cahoon Hollow, White Crest and Maguire Landing. (amended 12/18/00, 01/27/04)
15. The owner or person responsible for any dog which defecates on any Wellfleet beach shall promptly remove the feces and dispose of it in a place where it will not cause pollution, either directly or through rain runoff action, of any pond or coastal waters.
16. No horses or dogs will be allowed in any fresh water pond at any time, and will be kept away from bathers at all Town landings and beaches at all times.
17. Garbage and litter of all kinds must be deposited in the specified containers or carried from the area with you.
18. The use of soap, shampoo, detergents or cleaning substances is prohibited in all fresh water ponds.
19. All persons using Town beaches at any time shall be properly attired.
20. No rafts or other floatable devices will be used at any ocean beach without the permission of the lifeguard on duty from the 3rd Saturday in June through Labor Day. (amended 01/27/04)

21. Climbing on all dunes is prohibited, as they are fragile, except along designated access routes to the beach.

22. An application for Permit to Use Town Property must be obtained from the Wellfleet Board of Selectmen to use a Town beach or landing for the purposes of giving lessons or similar activities. Liability insurance naming the Town of Wellfleet as an additional insured in the amount of \$1,000,000 is required. A fee may be required by the Board of Selectmen. All surfing lessons and surfing competitions shall be limited to White Crest Beach and adjacent parking lots. (amended 06/13/06)

BEACH\BEACHREG

05/11/04, 06/13/06, 02/27/07

23. Enforcement Penalties

A. Criminal Complaint

Whoever violates any of the above rules and regulations shall be punished by a fine of not more than fifty (\$50) for each offense. A violation of each specific rule or regulation shall be deemed a separate offense and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

B. Non-Criminal Disposition As an alternative to initiating criminal proceeding pursuant to subsection A above, the enforcing agent may dispose of a violation of these rules and regulations pursuant to the following procedures. Whoever violated any provision of these rules and regulations may, in the discretion of the Police Officers, Beach Administrator, Beach Guard Captain, Head Lifeguard, Harbormaster, Assistant Harbormaster, Board of Health/Conservation Agent, Shellfish Constable, Deputy Shellfish Constables, Dog Officer or Board of Selectmen be penalized by a non-criminal complaint pursuant to the provisions of M.G.L Chapter 40, Section 21D. Whoever violates any rule or regulation as stated above shall be subject to a fine of twenty-five (\$25) for each separate offense. A violation of each specific rule or regulation shall be deemed a separate offense, and each day on which a violation occurs or continues shall be deemed a separate offense, subject to the penalties stated herein.

Town of Wellfleet, Massachusetts

300 Main Street, Wellfleet, MA 02667 ph:508.349.0300 fx:508.349.0305

Beach Sticker Eligibility Rules

RULES AND REGULATIONS FOR BEACH STICKER ELIGIBILITY FOR TAXPAYERS, RESIDENTS and VISITORS

Effective 6/8/93

Amended 3/7/94, 6/1/98, 6/5/00, 6/11/01, 5/27/03

To be eligible for a Resident Beach Sticker, the applicant must be one of the following:

1. A registered voter in the Town of Wellfleet
2. Listed as a year-round resident on the Town of Wellfleet Census
3. Listed as a property owner in the Assessor's office with property that has a tax bill issued with a total annual tax amount owed of at least \$400.00
4. The spouse or domestic partner of a listed property owner
5. The dependent of a listed property owner with the same year round address on a Driver's license, picture ID or Student ID
6. A Trustee of property listed in the Assessor's office
7. Active military personnel whose home of record is Wellfleet
8. Non-resident employee of the Town of Wellfleet (limited to one sticker per employee on a vehicle registered in the name of the employee).

To be eligible for a Visitor's Beach Sticker, the applicant must:

1. Be staying in the Town of Wellfleet
2. Present a written PROOF OF STAY from the property owner or realtor

All applicants for any sticker must present the following documentation:

1. Valid vehicle registration for each vehicle with the applicant as the owner of the vehicle
2. Lease listing the applicant as the lessee of a leased vehicle
3. Appropriate written documentation connecting a company owned or leased vehicle to the applicant (i.e., business card or letter of authorization on company letterhead)
4. Applicants presenting Dealer Plates must provide registration of vehicle or documentation connecting that vehicle to the applicant.

The Burden of Proof of eligibility is the responsibility of the applicant.

General Eligibility and Requirements for Resident Sticker Eligibility

1. Persons renting commercial property in Wellfleet do not qualify for a Resident Beach Sticker.
2. A resident who is entitled to a Resident Beach Sticker, but who has no vehicle or does not intend to purchase a sticker for his or her own vehicle, may assign one Resident Beach Sticker to another individual. ~ The person to whom the sticker is being assigned must be present with the resident to purchase the sticker and must provide vehicle registration and a valid driver's license at the time of purchase. ~ This privilege is limited to one Resident Beach Sticker assignment per resident or taxpayer. Once a parking permit has been assigned, the person assigning that sticker is NOT entitled to purchase any further permits during that beach season.
3. In the case of a property with a life tenancy provision, the Resident Beach Sticker shall be issued to the life tenant. ~ Any other Beach Parking Permits issued to the same property shall be issued at the rate of a non-resident.
4. In the case of property held in trust, Resident Beach Stickers may be issued to trustees upon presentation of adequate written documentation of trustee status. ~ Beneficiaries of the trust are not deemed owners of the property and as such are not eligible for a Resident Beach Sticker.

Replacement Stickers

Replacement stickers will be issued upon reasonable proof of loss or theft of a sticker, or if the vehicle is traded or sold and plates transferred to a new vehicle. Only one replacement per sticker is permitted in a season. ~ A portion of the original sticker showing the printed number must be presented at the time of the replacement request. ~ There will be a \$1.00 charge for a replacement sticker.

Misuse of Stickers

At all times, the sticker remains the property of the Town of Wellfleet. ~ The person to whom the sticker has been issued (pass holder) has purchased a use privilege, not the sticker and agrees that the sticker may be revoked by removal or other means if it is misused. ~ The pass holder also agrees that the Town of Wellfleet through its Board of Selectmen/Park Commissioners will make the final judgment as to whether a sticker has been misused.

The following shall be considered a misuse of stickers:

1. Sticker registration number does not match the registration number of the vehicle to which it is attached.
2. Sticker is not permanently affixed to the vehicle except where written permission is issued by the Board of Selectmen
3. Sticker has been altered, defaced, copied or made unreadable

Penalties and Revocation of Stickers

1. A Parking Control Officer, Police Officer, Special Police Officer or a member of the Board of Selectmen or his or her duly authorized agent may remove stickers for misuse.
2. Persons whose stickers have been removed have seven days to appeal to the Board of Selectmen

Appeals

Appeals to these Rules and Regulations may be made directly to the Board of Selectmen in writing.

http://www.wellfleetma.org/Public_Documents/WellfleetMA_Beach/eligibility/

Beach Sticker Prices for 2007

[Printer-Friendly Version](#)

Resident

Type	Price
Annual 7-1 to 6-30	\$15.00

Visitors

Type	Price
Three Day	\$ 30.00
One Week	\$ 60.00
Two Week	\$100.00
Seasonal	\$200.00

Web address: http://www.wellfleetma.org/Public_Documents/WellfleetMA_Beach/prices

Turo (Town of):

Section 9 PRIVATE AND PUBLIC WAYS AND PLACES

1-9-1 No person except the officers of the Department of Public Works, or its authorized agent(s) in the lawful performance of their duties shall obstruct, break, dig up, or

Truro General Bylaws - November 2005 Page 8

excavate any public sidewalk, highway, town way, or street or any part thereof, or break or dig the ground of the same, without first obtaining a written permit from the Selectmen. Every person receiving such permit shall execute a written agreement or bond to indemnify and save harmless the town against all loss, damage or cost suffered or claimed on account of the existence of such obstruction or excavation, and shall leave the street or way at the completion of the work in as good condition as the same was before the work was commenced. Any person receiving such a permit to excavate shall have the entire excavated area, including on-site stored materials, properly marked and lighted from sunset to sunrise in order to prevent public injury. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-2 No person shall throw, place or cause to be thrown or placed upon any street, roadside or sidewalk, or on the shore or on any private way, without the consent of the owners, any dirt, ashes, stones, hoops, boards or other wood with nails, projecting there from, shavings, sawdust, manure, nails, spikes, screws, glass, tin cans, filth, rubbish, or any noxious or refuse liquid or solid matter or substance. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-3 No person shall enter any public building in this town clad in a bathing costume, unless some garment is worn over such costume adequately covering the person of the wearer thereof.

1-9-4 Unless, for particular buildings, the law should vest such power in a different board or unless Town Meeting should direct otherwise, the Board of Selectmen shall fix the fees to be paid for the private use of any public building, the rooms therein, or any public land and shall make policies for the use thereof.

The Board of Selectmen may direct the Chief of Police to assign one or more police officers to be present in or about the building or on the land site whenever in their judgment the preservation of peace and good order may require it; the cost thereof shall be paid by the organization or persons using the public building or land.

1-9-5 No person shall drive a motor vehicle upon the public beaches of this Town without a permit from the Selectmen. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-6 No person shall, with offensive and disorderly acts or language, accost or annoy any persons, shall engage in lewd, wanton, or lascivious behavior, shall be idle and disorderly persons, or shall be disturbers of the peace. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-7 No person shall permit any vehicle under his care or control, to stand across any public highway or street, in such a manner as to obstruct the travel over the same, for an unnecessary length of time; no person shall stop with a vehicle in any public street so near to another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon any crossing in any street or highway in the town. Whoever violates

Truro General Bylaws - November 2005 Page 9

the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-8 No person shall occupy any part of the public street as permanent storage room for any vehicles. Whoever violates the provisions of this Bylaw shall be subject to a penalty as described in Appendix A of this document.

1-9-9 No person not in the employ of the town shall set fire to any bushes, leaves, grass or other combustible substance in any of the streets of the town; nor nearer than 100 feet to any fence or building not owned or occupied by himself, without the consent of the occupant.

1-9-10 No person shall discharge any gun, pistol or other firearm within any street, public way, place or square in this town, except with the permission of the police department; provided, however, that this section shall not apply to any firing in accordance with law.

1-9-11 Any company desiring to construct a transmission line upon, along, under, or across a public way shall in writing petition the Town for permission to erect or construct upon, along, under, or across a public way any necessary wires, poles, piers, abutments, or conduits, and in order to repay to the town its costs for advertising and hearing the petition, the company shall first pay the current fee.

CHAPTER II LICENSING AND PERMITS

Section 1 RENTING OR LEASING BUILDINGS

2-1-5 The tenant occupying a portion or all of a building registered in accordance with the provisions of this Bylaw shall be eligible to park at all Town beach parking lots, including those **available only to holders of a resident's beach sticker**, and shall be eligible for a beach parking sticker at a non-resident's rate. Regardless of the length of their occupancy, such tenants shall become eligible for off-road vehicle (ORV) permits at non-resident rates, and they shall also become eligible for transfer-station stickers at non-resident rates.

2-1-5 The tenant occupying a portion or all of a building registered in accordance with the provisions of this **Bylaw shall be eligible to park at all Town beach parking lots, including those available only to holders of a resident's beach sticker**, and shall be eligible for a beach parking sticker at a non-resident's rate. Regardless of the length of their occupancy, such tenants shall become eligible for off-road vehicle (ORV) permits at non-resident rates, and they shall also become eligible for transfer-station stickers at non-resident rates.

2-1-6 **The funds generated by the rental registration fees** shall be available generally to defray the costs of registration record keeping, the administration of the beach program, the maintenance and improvement of Town beaches and parking lots, the installation of signs, the furnishing of sanitary facilities, the provision of facilities for the physically handicapped, and the supply and operation of associated amenities.

1- Driving motor \$20.00 Police

9- 4	vehicle on public beach without a permit	per offense	Department, Beach Commission
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Provincetown:

Sent email, waiting for a response

Chatham:

http://www.town.chatham.ma.us/Public_Documents/ChathamMA_Recreation/facilities

5/1/07 North Beach / Nauset Beach ORV Access Reopened
[Printer-Friendly Version](#)

North Beach / Nauset Beach ORV Access Reopened
Updated 05/01/2007

As of 04/30/2007, North Beach / Nauset Beach Off Road Trails are open to all ORV traffic.

The berm on the front beach is narrow and very soft. Tires should be deflated to between 15 and 18 pounds. Be informed on High Tides that may effect ORV operation and parking along the front beach.

No vehicles (other than Camp owners accessing their Camps) are allowed beyond Trail 7 on the Oceanside Beach, Pleasant Bay side, or middle road past the triangle. Please obey all posted signs, stay on marked trails, and always use caution when driving the front beach and middle trails.

No vehicles, including Camp owners, should drive beyond the 1st Village Camps to the new break. Keeping vehicles off this fragile area may help to slow the erosion process and enhance build up of the beach near the break.

Please contact Lieutenant John Cauble or Chatham Beach Patrol Officer James Patterson if you have any questions.

Phone: 508-945-1217

Email: jdcauble@chatham-ma.gov



Town Offices 549 Main Street, Chatham, MA
02633

Phone: 508.945.5100 Fax: 508.945.3550

Beach Hours

Beach Hours

Lifeguards are on duty between the hours of 9:00 a.m. - 4:30 p.m. during the season.

Beaches with Lifeguards:

and - resident beach stickers only

ch - no parking fee

Harding's Beach, Ridgevale Beach & Cockle Cove Beach
resident beach stickers or non-resident stickers are required.
resident stickers are available at these beaches for a fee:

Beach Fees: Daily	\$ 15.00
Weekly	\$ 60.00
Seasonal	\$125.00

Beach & Parks Rules & Regulations *Section 3; subsection 3.7*

No children under 10 years of age may attend any beach unless accompanied by an adult. Any minor child on a beach or park of the town is the responsibility of the minor child's parents and or guardian or other person/persons who may be in charge of minor children, as in the case of picnics, group gatherings, school or church outings or field trips, or any other group functions.

Harwich:

Town of Harwich - Beaches - Rules & Regulations

Definition: Beach – includes beach, parking lot and abutting Town-owned sand dunes for both salt and fresh water Town-owned property

Section 1 EFFECTIVE DATES – MEMORIAL DAY THROUGH LABOR DAY (ANY YEAR)

1. No alcoholic beverages will be possessed or consumed on any public beach, and no person shall be intoxicated, or commit any obscene or indecent act or use profane/obscene language.
2. No littering, all refuse must be placed in rubbish containers provided. No glass containers will be allowed on beaches. No household refuse allowed in rubbish containers.
3. No person shall damage, deface, or remove any building, structure or sign belonging to

the Town of Harwich.

4. No selling, advertising, or giving away of goods and services will be permitted except by concessionaires under contract with the Town or by written permission from the Recreation and Youth Commission.
5. No fires are allowed except in designated areas with approval from the Recreation and Youth Department.
6. No animals or pets are permitted on the beaches.
7. No tents, travel trailers, campers, or other units shall be used for habitation.
8. No person shall disturb the peace and tranquility of others.
9. Children (12) years of age or younger must be accompanied by an adult or person responsible for his or her behavior within the beach area.
10. Ball playing, kite flying and frisbee playing are permitted at the discretion of the Lifeguards only.
11. Scuba diving, skin diving, and all other methods of underwater swimming are prohibited in designated swimming areas.
12. Sailboats, kayaks, windsurfers, surfboards etc. are prohibited, except for designated areas of Red River Beach and fresh water ponds.
- 13. Speed limits on all beach parking lots shall not be in excess of 10 miles per hour and motor vehicles will not be allowed to park or travel beyond designated parking areas.**
- 14. No individual or group of individuals will be granted reserved parking places.**
15. Inflatables and umbrellas are permitted at the discretion of the Lifeguards only.
16. Fishing is not permitted in designated swim areas when Lifeguards are on Duty.

- **Red River Beach Only** – Dog walking is allowed in the parking lot only from 7:30am-9:00am and from 4:30pm-dusk(Memorial Day through Labor Day, any year)
- No Motorboat of more than 10 horsepower or used for waterskiing may be launched or operated from the boat ramp at the east end of Long Pond (Wixon Memorial, off Cahoon Road).

**VIOLATORS OF THESE RULES AND REGULATIONS ARE SUBJECT TO
ARREST AND PUNISHMENT BY A FINE OF NOT MORE THAN FIFTY
(\$50.00) DOLLARS LITTERING AND HOUSEHOLD TRASH
TWO HUNDRED (\$200.00) DOLLARS**

**Section 2 EFFECTIVE DATES – The day after Labor Day through the day before
Memorial Day (Any Year)**

“SCOOPER LAW” M.G.L. Chapter 111 Section 31:

All animal owners are responsible for removing wastes produced by their animals while on any beaches within the Town of Harwich. The term beaches shall include sand, dune, water and parking lot.

**VIOLATION OF THIS REGULATION IS SUBJECT TO A FINE OF FIFTY
(\$50.00) DOLLARS.**

Per order of the Town of Harwich Board of Selectmen. Adopted annually at a public meeting by Board of Selectman.

Town of Harwich - Beaches - Parking Regulations & Fees

Beach Parking Permit Locations

Beach stickers may be purchased at:
The Harwich Community Center
100 Oak Street in Harwich.

Stickers are available for purchase:
June 11 - September 3
8:00am to 3:00pm daily.

For more info call 508-432-7638

Vehicle registration plus proof of residency required.

Cash or Checks only.

No Refunds For Inclement Weather

Beach Parking Permit Fees

Permit Type	Duration	Fee
Resident Stickers	Season Permit	\$20.00
Resident 2nd Sticker	Season Permit	\$20.00
Non Resident	1 Week	\$55.00
Non Resident	Season Permit	\$125
Duplicate Sticker		\$1
Daily Stickers		\$15.00

Sold at: Red River Beach, Earle Rd Beach, & Long Pond

(No refunds for Beach Parking Permits)

Yarmouth: (website: <http://www.yarmouth.ma.us/>) (website will not allow/copy paste, must pull info directly from web)

Town of Yarmouth
Resident Beach Sticker



2007 Rules & Regulations

1. A resident beach sticker purchased at the Town Clerk's office at town hall before 4/1/07 is \$20.00 (starting 4/1/07 the price will be \$25.00). A resident beach sticker purchased at the Chamber of Commerce is \$28.00...

Falmouth:

Beach Parking Stickers

The guidelines presented here are a simplified summary of regulations issued by the Falmouth Beach Committee. Many situations may not be completely covered. Actual regulations will prevail in the case of a discrepancy.

Beach Sticker Prices

Resident/Taxpayer	See Below
Seasonal Sticker	\$200.00
One Week Sticker	\$60.00
Two Week Sticker	\$70.00
Three Week Sticker	\$80.00
Four Week Sticker	\$90.00
Motel/Hotel Sticker	\$10.00/day
Timeshare/Interval Ownership	\$30.00/owner

Daily Parking Fees	
Old Silver Beach	\$20.00
Surf Drive Beach	\$10.00
Mill Road Beach	\$10.00
Menauhant Beach	\$10.00
Recreation Vehicles (Old Silver Beach Only)	\$40.00
Other Beaches	\$20.00

NEW: There is now a new Discounted Super Sticker available for purchase. The Super Sticker is a combination beach/disposal area sticker and is available for \$100 for two

years (2006-2007).

Alternatively, two year (2006-2007) beach stickers and disposal area stickers are available separately for \$60 each.

To apply for a supersticker, be sure you meet the guidelines and then [apply](#) one of three ways.

Most stickers are issued under a few simple guidelines.

Q. Do I need a sticker?

A. Beach Parking Stickers are only required for parking your car in a town beach parking lot during the summer. You do not need a sticker if you walk, cycle, roller skate, get dropped off, take a taxi, etc. Also, you do not need a sticker from about the second week of September through mid-June.

Q. What are the simple guidelines?

A. A beach sticker is issued to a specific vehicle. The vehicle must be registered to a Falmouth resident (at least 6 months) or a Falmouth property owner.

Q. I'm pretty sure I qualify, but how will you know?

A. We'll look at the name on your vehicle registration. It must match either the name on your real estate tax account, or your name in the town census records.

Q. I meet the simple guidelines. What do I need to do?

A. There are three ways you can apply for a sticker:

1. You may fill out an [application](#) and mail it to: Town of Falmouth, P.O. Box 904, Falmouth MA 02541.
2. You can apply at the Ellen T. Mitchell Bath house on Surf Drive starting Memorial Day Weekend.
3. You can apply and pick up stickers at the Town Collector's Office in the Town Hall 8:00 am through 4:00 pm, Monday through Friday.

Q. My registration shows a leasing company/business...", "my property is owned by a trust...", "I rent a cottage for the summer...", "I've got a time share...". What do we do?

A. You'll have to apply in person at Surf Drive only. Bring relevant documentation, ie lease, rental agreement, trust beneficiary page, company business card, etc.

Q. Tell me more...

A. [click here for](#) Rules and Regulations for Beach Sticker Eligibility for Taxpayers, Residents, and Visitors.

Ellen T. Mitchell Bath House ([map](#)), 9:00 am to 4:00 pm, Saturday and Sunday until June 26, then 7 days for the rest of the season.

Beaches

From May 1 through September 30, dogs are not allowed on any public beach. They are allowed from October 1 through April 30.

	Sticker Required	Public Parking (fee)	Sanitary Facilities	Bath House	Food Concession	Life Guards in season	Handicap beach access	Beach wheelchairs
Menauhant Beach (map) Menauhant Rd. East Falmouth	Yes	Yes \$10.00	Yes porta-type	Yes	Yes mobile	Yes	Yes ramp / walkway	Yes
Old Silver Beach - public (map) Quaker Rd. North Falmouth	Yes	Yes \$20.00	Yes	Yes	Yes	Yes	Yes ramp / walkway	Yes
Old Silver Beach - reserved (map) Quaker Rd. North Falmouth	Yes	1/2	Yes	Yes	Yes	Yes	Yes	Yes
Surf Drive Beach (map) Surf Drive Falmouth	Yes	Yes \$10.00	Yes	Yes	Yes	Yes	Yes ramp / walkway	Yes
Falmouth Heights Beach (map) Grand Ave. Falmouth	Yes 1/2	1/2	Yes portatype	1/2	1/2	Yes	1/2	Yes 1/2

Chapoquoit Beach (map) West Falmouth	Yes	ï½	Yes porta- type	ï½	Yes mobile	Yes	Yes ramp / walkwa y	Yesï½
Megansett Beach (map) North Falmouth	Yes	ï½	Yes porta- type	ï½	ï½	Yes	Yes	Yesï½
Stoney Beach (map) Woods Hole	ï½	ï½	Yes porta- type	ï½	ï½	Yes	Yes	Yesï½
Wood Neck Beach (map) Sippewissett	Yes	ï½	Yes porta- type	ï½	Yes mobile	Yes	Yes	Yesï½
Bristol Beach (map) Falmouth	Yes	ï½	Yes porta- type	ï½	ï½	Yes	Yes	Yesï½
Grew's Pond - fresh water (map) Goodwill Park Falmouth	ï½	ï½	Yes	ï½	ï½	Yes	Yesï½	ï½

* Parking for recreation vehicles is \$40.00 for Old Silver Beach and \$20.00 for all other public beach parking lots.

ï½ At beaches without buildings, wheelchairs must be ordered in advance and delivered to the beach by beach personnel.

View [Site Statistics](#) as of 06/05/07 04:00pm.

Web site maintained by [Information Technology](#) department.

By viewing this web site, you agree to the site's [Terms and Conditions](#).
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Page last updated: *Monday, May 21, 2007*.

**TOWN OF FALMOUTH
RULES AND REGULATIONS FOR BEACH STICKER ELIGIBILITY**

FOR TAXPAYERS, RESIDENTS AND VISITORS

Effective April 2007

To be eligible for a Resident Beach Sticker, the applicant must be one of the following:

- Have a vehicle registered in the Town of Falmouth.
- Listed as a year-round resident on the Town of Falmouth census.
- Listed as an owner of real property in the Assessor's office with property that has a tax bill issued.
- The dependent of a listed property owner with the same year-round address on a driver's license, picture ID or student ID. For purposes of beach sticker eligibility, the Town of Falmouth uses the same rules as the IRS for a dependent. The dependent must be no more than 19 years old, (24 years old in the case of a full time student) If a dependent is older than 24 years, he/she must have his/her car registered at a Falmouth address.
- A trustee of property listed in the Assessor's office, or is certified a lawful owner of the beneficial interest in the property as certified by the trustee, in the Town of Falmouth "Certificate of Trustee or Other Officer," which may be found on the Town web site or obtained at the Ellen Mitchell Bathhouse at Surf Drive.
- Active duty military personnel whose home of record is Falmouth as identified by Commanding Officer.
- A person occupying a time-share residence in the Town of Falmouth for duration only.

To be eligible for a Visitor's (Non-Resident) Beach Sticker, the applicant must:

- Be staying in the Town of Falmouth.
- Be occupying a vacation property for the duration of the period. The vacation property may be a hotel/motel in Falmouth.
- Be a beneficiary of a trust who is not a year-round resident.

All applicants for any sticker must present the following documentation:

- Valid vehicle registration for each vehicle with the applicant as the owner of the vehicle.
- Lease listing the applicant as the lessee of a leased vehicle.
- Appropriate written documentation connecting a company owned or leased vehicle to the applicant.
- Vehicles with repair plates are not eligible for any sticker. An owner of a dealership who resides in Falmouth is eligible for a resident sticker on a

vehicle with dealer plates, as long as the same car is used for the season. This vehicle is as allowed by the Massachusetts RMV rules.

A non-resident must present a written proof of stay from the property owner or realtor, specifying the length of stay and location of the property.

A time-share occupant must present a written proof of stay specifying the location of the property and the dates of the occupancy.

A non-resident beneficiary must present a trustee certificate from the trustee verifying status, under pain and penalty of perjury.

A legally blind person must present a certification of blindness in order to obtain a hand-held beach sticker.

No hand-held stickers will be issued except as in #8 above.

The burden of Proof of eligibility is the responsibility of the applicant.

1. Any person aggrieved by these regulations shall be entitled to a hearing before the Beach Committee.

General Eligibility and Requirements for resident Sticker Eligibility.

Persons renting commercial property in Falmouth do not qualify for a Resident Beach Sticker.

In the case of a property with a Life Tenancy provision, the Resident Beach Sticker shall be issued to the life tenant. Any other Beach Stickers issued to the same property shall be issued at the rate of a non-resident.

In the case of property held in Trust, Resident Beach Stickers may be issued to trustees upon presentation of adequate written documentation of trustee status. To qualify for a Resident Beach Sticker, a beneficiary of a trust must be a resident of the Town of Falmouth.

Replacement Stickers

If your sticker becomes invalid (broken windshield, purchase of a new vehicle, new plate number, etc), remove all or part of the original sticker from the windshield and bring it to the Collector's Office or the Ellen Mitchell Bathhouse, regardless of its condition, for a replacement sticker at the reduced rate of \$10. **NOTE: The reduced rate is only offered if the original sticker is returned. Otherwise, you must pay \$60 for a new sticker.**

Falmouth Town Collector is NOT responsible for lost or stolen stickers. If your sticker is lost or stolen, you must pay \$60 for a new sticker.

Misuse of Stickers

At all times, the sticker remains the property of the Town of Falmouth. The person to whom the sticker has been issued has purchased a use privilege, not the sticker and agrees that the sticker (privilege) may be confiscated if it is misused. The sticker holder agrees that the Town of Falmouth through its Beach Committee, will be the final judge as to whether a sticker has been misused.

The following shall be considered a misuse of stickers:

Sticker registration number does not match the registration number of the vehicle to which it is affixed.

Sticker is not permanently affixed to the vehicle. (Exception: Written permission issued by Beach Committee).

Sticker has been altered, defaced, copied or made unreadable.

Penalties and Revocation of Stickers

The Beach Superintendent, or his/her duly authorized agent, may take away the parking privilege for misuse.

Persons whose sticker privilege has been revoked may appeal the revocation in writing to the Beach Committee via the Beach Superintendent

Dartmouth (<http://www.town.dartmouth.ma.us/otherdept.htm#Park>):

Beach and Park stickers are available for all locations and can be purchased in the Park Office May through August. DRPT stickers can be purchased year round. **Go back to website to call office during office hours!!!!**

Mattapoisett (<http://www.mattapoisett.net/>):

10.9. No person or entity, corporate or otherwise shall cause any motorized vehicle, except with written authorization of the Board of Selectmen, to be operated on or upon the beaches, parks or private ways and properties of the Town of Mattapoisett. Any person or entity who violates this By-Law shall be liable to a fine of Three Hundred (\$300.00) Dollars for each day said violation occurs. Said fine to be paid to the Town of Mattapoisett.

Pocasset:

Fairhaven: (per email response)

No driving is not allowed on any Fairhaven beach and last year someone was arrested for doing so.

Chris Richard,
Director of Tourism,
Fairhaven, MA

New Bedford:

Per response from the recreation department (508-979-1520), no one is allowed to drive on the beach, including emergency/maintenance vehicles.

Duxbury

([http://www.town.duxbury.ma.us/Public Documents/DuxburyMA BTPermits/index](http://www.town.duxbury.ma.us/Public_Documents/DuxburyMA_BTPermits/index)):

*Beach Sticker Rules
Last Revised 11/15/04*

Printed 5/24/06

6.7 RULES GOVERNING THE PURCHASE OF DUXBURY BEACH PERMITS

I. GENERAL INFORMATION

Beach Access is a privilege, not a right. The Town must balance the demands of beach access with environmental sensitivities. Therefore, from recent experience and with the right weather conditions, access to the beach may be delayed. The Duxbury Harbormaster reserves all statutory rights and administrative authority to control and manage beach access. Beach permit holders and parties transported in their vehicles are required to abide by the Beach Rules and Regulations.

A. Beach permits may be purchased either: (1) through the mail-in program; or (2) at the Duxbury Town Hall during normal business hours, Monday through Friday.

B. The automobile registration number that is put on the permit must match the license plate on the vehicle. Place permit as prescribed on instruction sheet only.

C. If you should sell or replace your automobile, remember to remove the permit and return it for a replacement permit, even if the permit tears or it is mutilated during removal. The permit must be returned in order to receive a replacement permit. There are no refunds. If a sticker is not returned, full price shall be paid for the replacement.

D. Stickers are the property of the Town of Duxbury. Sticker(s) are nontransferable and non-refundable.

II. DUXBURY RESIDENTS

It is the responsibility of the applicant to prove Duxbury residency. If it is found that a permit was obtained under false pretenses, the permit shall be confiscated without refunding the fee, and the matter will be turned over to the Police Department for prosecution.

A. There are **three** types of resident permits:

1. Resident Beach Lot Permit for vehicles in the paved parking lot at the East end of the bridge (April 1 through March 31).

a. Year Round Resident: \$60; \$40 with mail-in discount

b. Non-discounted vacation transient rental (dated): \$60

c. Senior Citizen: \$15

Beach Sticker Rules

Last Revised 11/15/04

Printed 5/24/06

2. Resident Over-sand Permit for four-wheel drive vehicles in the paved parking lot, over-sand areas, and roadside parking areas (April 1 through March 31)

a. Year Round Resident: \$140; \$120 with mail-in discount

b. Senior Citizen: \$70

3. Resident Off-Season Over-sand Permit for four-wheel drive vehicles in over-sand areas & roadside parking areas (October 1 through March 31)

a. Year Round Resident: \$70

b. Senior Citizen: \$35

B. There will be a maximum limit of (3) Beach Stickers issued on an annual basis per habitable dwelling, no more than two of which will be resident over-sand or seasonal over-sand permits. Habitable dwelling shall be defined as a dwelling unit noted in the

Board of Assessors records and in compliance with the Department of Inspectional Services Building Codes.

C. You must present a valid automobile registration and driver's license showing you are a legal resident of Duxbury; owning land alone does not entitle one to a permit. Owners of a "summer residence" may obtain a resident permit by presenting their real estate tax bill.

Homeowners who rent their home may, at their option, reallocate any of their three (3) previously un-issued resident sticker allotment to the category of vacation transient rental. The vacation transient tenant will be eligible for a non-discounted parking lot resident sticker by presenting at the Duxbury Town Hall a written lease agreement, which states the rental lease term. The vacation transient tenant will be issued a designated sticker stating the expiration date. This sticker need not be surrendered to the Town at the termination of the rental period.

D. Senior citizen discounts apply to residents of Duxbury who are 62 years of age or older. The vehicle must be registered in the senior's name – no company cars.

E. Residency Verification for All Residents

1. Vehicle registration and driver's license with the same name as the applicant and a Duxbury address. New residents must provide a change of address print-out sheet from the Massachusetts Registry of Motor Vehicles.
2. Vehicle lease with the name of the applicant and/or a letter of assignment on the company stationary.

Beach Sticker Rules

Last Revised 11/15/04

Printed 5/24/06

F. Residents with a leased car must show the lease agreement annually; residents with a company car must present a letter of assignment on company stationary annually; otherwise, the permit will be denied.

G. No temporary checks, debit or credit cards will be accepted.

H. No stickers will be issued to farm vehicles, rental vehicles, or dealer vehicles.

I. When Parking lot is full or the over-sand area is at capacity, residents may park at Duxbury Beach Park at no charge.

J. Residents who mail-in their Beach Sticker applications, postmarked between January 1st and March 1st, will receive a \$20 discount each from the regular price.

III. NON-RESIDENTS

A. There are two types of non-resident permits:

1. **Non-resident Over-sand Permit** for four-wheel drive vehicles in over-sand areas and roadside parking areas (April 1st through March 31st): \$260, \$240 with mail-in discount.
2. **Non-resident Off-Season Over-sand Permit** for four-wheel drive vehicles in over-sand areas and roadside parking areas (valid October 1st – March 31st): \$120 at half of the discounted seasonal rate.

a. Non-resident Beach Stickers may be purchased, commencing January 1st, either (1) through the mailing program, (2) at the Duxbury Town Hall, or (3) online at www.town.duxbury.ma.us.

b. There will be a limit of one beach sticker per habitable dwelling.

B. You must present a valid automobile registration and driver's license.

C. No temporary checks, debit or credit cards will be accepted.

Beach Sticker Rules

Last Revised 11/15/04

Printed 5/24/06

D. Non-residents with a leased car must show the lease agreement annually; non-residents with a company car must present a letter of assignment on company stationary annually; otherwise, the permit will be denied.

IV. MAIL-IN PROGRAM

For customer convenience, the Town offers a mail-in program to Residents and Non-Residents. Submit a properly prepared application form with a timely postmark, a check payable to the Town of Duxbury and a self-addressed stamped envelope with the other appropriate documentation (as previously described for each type of purchase).

Applications are available at the Town Hall, on-line at www.town.duxbury.ma.us or at the Duxbury Free Library. Residents and Non-Residents using the mail in program will receive a \$20 discount for each Beach Sticker purchased, not to include Senior stickers already discounted.

The mail-in program starts annually in late January.

Allow for three-week processing, if properly documented. Incomplete applications will not be processed.

V. ADMINISTRATIVE APEALS

Disputes regarding beach access or obtaining a beach sticker must first be presented to the Town Treasurer. Further appeals must be submitted to the Town Manager in writing, stating facts and rationale for the dispute. The decision of the Town Manager shall be final.

Original rules adopted on 6/30/97

Revisions adopted by BOS on 12/21/98

Policy adopted by BOS on 1/18/00

Revision adopted by BOS on 11/26/01

Revision adopted by BOS on 11/15/04

Welcome to
Duxbury Beach
Duxbury, Massachusetts

Duxbury Beach is owned by the Duxbury Beach Reservation, Inc., a nonprofit trust. The membership of the Board of Directors and Trustees consists of individuals who represent a wide variety of interests, including the general citizenry and local government. The Beach is leased and managed by the Town of Duxbury for the benefit and enjoyment of its residents and the general public. All beach visitors are subject to the General Beach and Motor Vehicle Regulations contained herein, including any other applicable law.

Non-compliance with any of the Duxbury Beach Regulations, including any other applicable law, may result in the loss of beach vehicle permit and beach privileges, in addition to any other appropriate penalties. As promulgated by the Duxbury Board of Selectmen in December 1991.

Management of Duxbury Beach

Duxbury Beach is a unique and ever-shaping natural resource of the entire South Shore of Massachusetts. This specialized barrier beach serves as a recreational area, a scenic area, a conservation area, and a natural breakwater for the towns of Duxbury, Kingston, and Plymouth. Because of its constant use and vulnerability to the natural forces of weather on the Eastern Atlantic Coast, Duxbury Beach is under constant scrutiny by the three organizations involved in its management: the Duxbury Beach Reservation, Inc., owners of Duxbury Beach; the Duxbury Beach Committee, a town advisory group; and the Harbormaster / Coastal Natural Resources Department, which directly oversees daily operations.

Duxbury Beach's very existence depends on beach grass found in the dune areas. Beach grass is brittle and easily broken if stepped on. Just walking between the clumps of grass causes sand grains to break the fragile root hairs. Once broken, the plant immediately dies. Since the primary destroyers of beach grass are people—their children, pets, and vehicles—it is essential to establish and enforce natural dune areas and keep them free of human impact. Although not having access to these restricted areas may seem to limit your enjoyment of the total beach a bit, you will see that this management technique allows Duxbury Beach to recover naturally from high impact environmental forces such as storms. All beach erosion control devices such as fencing, grass planting areas, and cabling are here for the purpose of preserving the beach as a natural protective barrier and for your present and future enjoyment.

Limitation of Liability

1. The Town of Duxbury and Duxbury Beach Reservation, Inc. accept no responsibility or liability for any personal injury or property damage sustained on Duxbury Beach (M.G.L. Ch. 21 Sec. 17C).
2. Entry upon or use of Duxbury Beach by any person by foot, bicycle, motor vehicle, boat, or horseback shall be at his own risk and such entry or use shall constitute a release by such person of the Town of Duxbury and Duxbury Beach Reservation, Inc. from any and all claims for personal injury or property damage sustained on Duxbury Beach, and such release shall be binding upon such person, his personal representative, and all persons claiming through or under him.

[Return to top.](#)

Recreational Beach Regulations

1. **Walking.** Walking is encouraged on Duxbury Beach. All persons, their animals, and vehicles must stay out of all dune, vegetated, marsh grass, posted bird or wildlife, and fenced areas. Use designated crossovers and pathways only.
2. **Swimming.** All persons swimming or bathing at Duxbury Beach do so at their own risk (see "Limitation of Liability" above). Lifeguards are on duty only in the

designated lifeguard / bathing area. The designated lifeguard / bathing area is defined as the ocean side of the beach directly east of the Powder Point Bridge, 100 yards either side of the stationary lifeguard stand (see map). Rafts, tubes, floatation equipment, face masks, and snorkeling and diving equipment are prohibited in the designated lifeguard / bathing area. Swimming in any other area of the beach is without lifeguard supervision. Swimming, diving, and jumping from the Powder Point Bridge are prohibited. No swimming is permitted in the boat channel adjacent to the bayside beach.

3. **Boating.** No vessels of any kind (motorboats, sailboats, sailboards, kayaks, jet skis, etc.) are permitted within 150 feet of the oceanside beach except in designated vessel access areas, or within 150 feet of the bayside beach, 100 yards north and south of the Powder Point Bridge, In designated vessel access areas (a) all water skiing, swimming, and floatation devices are prohibited, (b) anchoring is permitted, and (c) vessels may proceed at steerage speed only.
4. **Horseback Riding.** Horseback riding requires a special permit that must be purchased from the receptionist at Town Hall. Riding is permitted daily, from sunrise to sunset, October through April. Riding is permitted sunrise to 9:00 am and 6:00 pm to sunset, May through September, weekdays only. All motor vehicle and parking regulations apply. Riders are responsible for removing all horse droppings from parking areas.
5. **Shellfishing.** Shellfishing requires a special permit that must be purchased from the receptionist at Town Hall. Motor vehicle access for this purpose must comply with all beach motor vehicle regulations.
6. **Fishing.** Fishing from the bridge is permitted on the sidewalk side only, as long as it does not interfere with vehicular or pedestrian traffic. No fishing is allowed within the marked channel area. Fishing poles on the beach must be kept at the water's edge at all times, year-round, while in the act of fishing. Bait and carcasses must be removed.
7. **Hunting and Shooting.** Rabbit hunting is prohibited due to dune restrictions. Discharge of firearms is prohibited within 150 feet of roadways or 500 feet of a dwelling.
8. **Facilities.** Public restrooms, changing facilities, snacks, and telephones are available at the Duxbury Beach Park Bathhouse.

[Return to top.](#)

General Beach Regulations

1. All beach users must comply with all Federal/State and local law, terms, conditions, policies and the request or instructions of the patrolling Harbormaster/Coastal Natural Resources personnel, Endangered Species personnel or police officers or other authorized agency or department.
2. When endangered species are present on the Duxbury beach, no person, their animal or vehicle shall disturb or attempt to disturb or attempt to disturb the endangered species in any way and/or fail to adhere to the direction and instruction of the Endangered Species personnel, Harbormaster/Coastal Natural Resources Officer, Police Officers or other authorized agency or department. All

persons shall comply with all Federal, State and Local laws rules and regulations terms conditions policies and procedures in effect for the protect of endangered species.

3. Drinking of alcoholic beverages is prohibited (Town By-Law 1986).
4. Dogs must be leashed or under immediate and effective control of handler at all times. (*See also [Special Dog Regulations.](#)*)
5. No sand, stone, vegetation, or other material may be removed, except for salt marsh hay or seaweed. Erosion control fencing or signs shall not be damaged or removed.
6. Store and discard trash properly, especially food scraps. All beach refuse must be removed by the beach user. Littering and dumping of household trash are prohibited. Glass containers are not allowed.
7. Bonfires and campfires are not permitted. Only small cooking fires in a metal container are permitted. All cooking fires must be extinguished with water.
8. Overnight camping is prohibited.
9. Fireworks are prohibited (They are illegal and cause dune fires).
10. Loitering in the beach parking lots is prohibited.
11. Beach functions of approximately 20 or more persons, or any other special event or research, require a special permit from the Harbormaster's office. Applications for permits shall be received at least one week prior to the proposed function.

[Return to top.](#)

Motor Vehicle Beach Regulations

1. All vehicles must carry a copy of the Duxbury Beach Rules and Regulations pamphlet.
2. All vehicles parked on the beach property must purchase and visibly display a current Duxbury Beach permit. Vehicles parked in any paved parking area at the east end of the Powder Point Bridge must visible display a resident or rental resident beach lot permit from Memorial Day to Labor Day. All vehicles driving or parked in oversand areas or parked in roadside parking areas south of Powder Point Bridge must visibly display a resident or nonresident oversand permit on a year round basis. Permit Location: Shall be affixed to the windshield, below mirror, never in tint. Unauthorized parking in all roadways, fire lanes, or vehicle crossovers is prohibited at all times.
3. There are five types of Duxbury Beach permits:
 - **Resident Beach Lot Permit** for use of paved parking lots (valid April thru March)
 - **Resident Oversand Permit** for four wheel drive (4WD) vehicles in paved parking lots, oversand areas, and roadside parking areas. (valid April thru March)
 - **Resident Off-Season Oversand Permit** for four wheel drive (4WD) vehicles in oversand areas and roadside parking areas. (valid October thru April)

- **Non-Resident Oversand Permit** for four wheel drive (4WD) vehicles in oversand areas and roadside parking areas. (valid April thru March)
 - **Non-Resident Off-Season Oversand Permit** for four wheel drive (4WD) vehicles in oversand areas and roadside parking areas. (valid October thru April)
3. Permits are valid only for the vehicle for which they were purchased. The permit registration number must match the vehicle registration. Permits are nontransferable. (*Original permit must be returned in order to receive a replacement due to sale of vehicle, windshield replacement, etc.*)
 4. All other vehicles are prohibited, including motorcycles, minibikes, minicars, snowmobiles, paraglides, ATV's and ATC's (except when necessary for official use). No airplanes or helicopters are permitted to land on Duxbury Beach except in an emergency.
 5. All parking is on a first come, first serve basis. When parking capacities are reached, vehicle access restrictions will be imposed. Limitations may be imposed on the number of oversands vehicles permitted on the beach at one time for public safety and dune preservation due to beach and tidal conditions.
 6. All oversands vehicles must be properly equipped before they are permitted on the beach. Vehicles may be inspected for the following equipment at any time:
 - Tires that are properly pressurized for beach conditions
 - Shovel
 - Tow Rope, Tow Strap, or Chain
 - Spare Tire, Jack, and 18" square plywood support pad
 7. Resident Parking Area hours (weather permitting) are:
 - North Lot: Sept-April 9am to Sunset (Off-season)
 - North Lot: 9:00 am to Sunset (Seasonal)
 - South Lot: Sept- April 6:00am to Sunset (Off-season)
 - South Lot: 6:00 am to 11:30 pm (Seasonal)
 8. The oversand permit use hours are from 8:00 am to 11:00 pm (weather and tide permitting) seasonally.
 9. Driving must be confined to designated routes and never in the water, on or over dunes, vegetated, or marsh grass areas. **Vehicles shall travel in established tracks.** Vehicles shall park in an organized fashion in a manner that will not interfere with the established track or traffic flow. Vehicles driving off the beach shall have the right of way. Vehicles are not allowed in pedestrian, mud flat / shellfish, or wildlife areas. No vehicle shall travel or park within 10 feet of a sand fence on the ocean side of the beach.
 10. All vehicles must be operated for the safety and regard of the operator, vehicle occupants, pedestrians, and beach resources. Maximum speed on the Powder Point Bridge, vehicle turn around, paved parking areas, vehicle crossovers, and in designated oversand areas is 10 MPH, conditions permitting; on the improved beach roadway, the maximum speed is 15 MPH, conditions permitting.

11. All persons must ride within the confines of any motor vehicle and must be seated. Riding on fenders, tailgate, or roof, or standing in the vehicle is prohibited.
12. The roadway over the leased portion of the beach to Gurnet Gate is for use by oversand vehicles only. All Gurnet-Saquish traffic must use the roadway.

Marshfield

http://www.townofmarshfield.org/Public_Documents/MarshfieldMA_Beaches/index):

BEACH STICKERS

Town Parking Areas are restricted to use by residents and property owners. In order to use parking areas your vehicle must have a sticker **PERMANENTLY** affixed to the window. Beach stickers are to be placed in the UPPER LEFT CORNER of the PASSENGER WINDOW. Do not place the sticker on the front or rear windshield, or tinted windows.

Notes:

1 Beach stickers are not transferable. They must be permanently affixed to the window. It is a \$30 ticket for violating this rule.

1 If you sell your vehicle or it is totaled in an accident, bring the old beach sticker to the Treasurer's office for a replacement.

1 If your car is in the shop, you can buy a temporary sticker.

1 Marshfield Beach Sticker is not honored at Humarock Beach, only a Scituate Beach Sticker applies to that beach.

These permits are available through the mail or at the Marshfield Town Hall starting January. Mondays 8:30-6:30pm, Tuesday-Fridays 8:30-4:30p

WE ARE NOT RESPONSIBLE FOR LOST OR STOLEN BEACH STICKERS.

Marshfield Town Hall 870 Moraine St., Marshfield, MA 02050

Scituate:

SCITUATE RESIDENT TRANSFER STATION/BEACH STICKERS

General Rules and Information

- Utility bills CANNOT be used as verification of residency
- NO stickers will be issued to Dealer or Repair License Plates
- Motorcycles DO need stickers
- You CANNOT "transfer" your right to a sticker to another person
- Children/Relatives/Friends from out of town are NOT eligible for a sticker
- Senior discount applies to Transfer Station sticker only. Applicant must be age 70 at the time of purchase and his/her name must appear on the vehicle registration
- All stickers must be displayed by July 1, 2007

MAIL IN STICKER PROGRAM

Following these instructions will ensure that your 2007/2008 sticker(s) will be received before July 1. There is a \$5.00 discount on the first sticker price if purchased through the Mail In Sticker Program. Application must be postmarked by June 15, 2007 to qualify for discount.

INSTRUCTIONS:

You must enclose:

- Copy of your current, valid Vehicle Registration indicating a Scituate address (See below if not registered in Town of Scituate)
- Copy of Driver's License if eligible for Senior Discount
- Self-Addressed Stamped Envelope
- Check or Money Order payable to the Town of Scituate.
- Completed Sticker Order Form (REVERSE SIDE)

NOTE: If the vehicle is NOT registered in the Town of Scituate, you must also send copies of the following (along with your registration), as applicable:

- Town of Scituate Tax Bill
- Year Round Residential Lease in the Town of Scituate
- Vehicle Lease Agreement (page showing resident's name as lessee and VIN)
- Company Vehicle will require authorized letter on company letterhead

If you have any questions, please call the Town Administrator's Office-545-8741

ORDER FORM ON REVERSE SIDE

REMEMBER – SELF-ADDRESSED STAMPED ENVELOPE!!

TOWN OF SCITUATE

MAIL IN STICKER ORDER FORM

Applicant Name: _____

Street Address: _____

Daytime Telephone: _____

I am ordering the following stickers:

Auto Registration # _____ Single Transfer Station Sticker \$75.00
\$80.00 if NOT purchased by mail

**Auto Registration # _____ Senior Transfer Station Sticker \$50.00
(Senior Citizen Discount) \$55.00 if NOT purchased by mail

Auto Registration # _____ Additional Transfer Station Sticker \$10.00
(For vehicles registered at SAME ADDRESS as FIRST vehicle)

Auto Registration # _____ Single Beach Sticker \$20.00
\$25.00 if NOT purchased by mail

Auto Registration # _____ Additional Beach Sticker \$10.00
(For vehicles registered at SAME ADDRESS as FIRST vehicle)

TOTAL AMOUNT ENCLOSED \$ _____

DOUBLE CHECK! If any necessary items are missing, it may impede completion of the process.

Did you enclose the following?

- Copy of registration for each vehicle getting a sticker
- Additional residency info if vehicle is registered to a non-Town address
- Copy of lease agreement if you lease your vehicle
- Copy of authorization from company if your vehicle is a company car

- Self-addressed stamped envelope – NO ENVELOPE – NO STICKERS
- Check or Money Order for the full amount payable to Town of Scituate
- Copy of Drivers License if you are eligible for over 70 sticker price

** NOTE: Residents 70 years of age or older at time of purchase are eligible for a Senior Discount (on the Transfer Station Sticker only) - \$50.00 (\$55.00 if NOT purchased by mail). Proof of age will be required (in the form of a Drivers License). To qualify for this discount, you must be named on the Vehicle Registration.

MAIL TO: TOWN OF SCITUATE STICKER PROGRAM
600 CHIEF JUSTICE CUSHING HIGHWAY, SCITUATE, MA 02066

Department of Public Works

TRANSFER STATION DIVISION

Mike Breen, Division Supervisor

280 Driftway
Scituate, MA 02066

BEACH PARKING STICKERS

All Beach Parking Lots require Annual Beach Parking Stickers.

HOW LONG IS A BEACH STICKER VALID? The stickers are valid from July 1 to June 30 each year.

WHEN AND WHERE CAN I PURCHASE A BEACH STICKER? Stickers are available at the Department of Public Works Administration Office located at Town Hall, 600 Chief Justice Cushing Way. It is strongly suggested that you use the Mail In Sticker Program (see below). There is a \$5.00 discount on the first sticker price if purchased by through Mail in Sticker Program (application must be post marked by June 15, 2007 to qualify)

Hours to purchase 2007/2008 stickers are as follows:

MONDAY, WEDNESDAY AND THURSDAY –

9 AM – 12 NOON

1 PM – 4 PM

CLOSED FOR LUNCH NOON TO 1PM

TUESDAY –

9 AM – 12 NOON

1 PM – 4 PM

5 PM – 7 PM

CLOSED FOR LUNCH NOON TO 1 PM

CLOSED FOR DINNER 4 PM TO 5 PM

FRIDAY –
9 AM – 11:30 AM

2007/08 New Sticker Forms Application:

[2007/08 Application](#) - PDF 23k

HOW MUCH DO THE BEACH STICKERS COST?

Single Beach Sticker \$20.00

\$25.00 if NOT purchased by mail

Additional Beach Sticker \$10.00

(For vehicles registered at SAME ADDRESS as FIRST vehicle)

CAN ANYONE PURCHASE A BEACH STICKER? No, only Scituate residents.

WHAT WILL I NEED TO PURCHASE A BEACH STICKER? Car registration or a photocopy showing your Scituate address.

WHAT IF THE REGISTRATION DOES NOT SHOW A SCITUATE ADDRESS? You will need proof of residency such as a Town of Scituate tax bill, year round residential lease, or a vehicle lease agreement (page showing resident's name as leasee) along with your car registration.

WHAT HAPPENS IF I PARK IN A BEACH LOT WITHOUT A STICKER? You will be ticketed. The fine is \$30.

THESE REGULATIONS ARE STRICTLY ENFORCED

Winthrop:

(http://www.town.winthrop.ma.us/Pages/WinthropMA_Bylaws/Chapter203-256.pdf)

Nothing in their bylaws on beach driving

Revere (<http://municipalcodes.lexisnexis.com/codes/Revere/>):

10.16.140 Public beaches.

A. The operation of any vehicle on or over public beaches, unless on ramps provided therefor, is prohibited.

B. For the purposes of this section, “vehicle” means every device in, upon or by which any person or property is or may be transported upon a street or highway, except devices moved by human power.

C. The provisions of this section shall not apply to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the

work of any of these necessitates a departure from any part of this section. (Prior revision § 13-21)

Lynn:

The City of Lynn 's beaches are not at street level, and have steps down to them. The City also is not responsible for maintaining or enforcing vehicular traffic on our beaches, because the DCR holds jurisdiction over Lynn beach as well as our neighboring Nahant beach.

Thanks for your email, hope that answered your question.

Regards, Andrea

Andrea D. Scalise

Aide to Mayor Chip Clancy

City of Lynn

781-599-1444

www.ci.lynn.ma.us

Beverly:

Parking provided, no beach driving

Rockport:

Parking provided, no beach driving

Gloucester:

Parking provided, no beach driving

Salisbury: (<http://www.salisburyma.gov/PB-CC/CCBeachAccessDesignStandards.htm>)

SALISBURY BEACH DUNE WALKOVER ACCESS DESIGN STANDARDS

(Modified) May 2, 2007

The intent of these standards is to provide a means of balancing the need for beach access with protecting the Coastal Dunes, which in turn will help to maintain the dune's function of storm damage protection and flood control. These design standards will be used as part of the Wetlands Protection Act permitting process and wetland enforcement cases by the Massachusetts Department of Environmental Protection (MassDEP) and as part of a permit approval process by the Massachusetts Department of Conservation and Recreation (DCR) for granting access to the State Beach. In addition, the Salisbury Conservation Commission will be informed of these standards and will be encouraged to follow them for wetland permitting and enforcement projects. These design standards are to be used for new access, as well as substantially reconstructed/substantially damaged walkways or where it has been determined that access has been placed or constructed in

violation of the Wetlands Protection Act. MassDEP and DCR agree to work cooperatively in following these design standards.

General Design Standards

1. Wherever possible, existing public access maintained by the State or the Town of Salisbury shall be preferred over private access. Therefore, the preferred access to the beach will be via the public access for properties that directly abut or are adjacent to these access ways.
2. Wherever possible, common or shared access servicing multiple properties will be encouraged.
3. Site conditions will help identify if an elevated boardwalk is preferred over an at-grade access. This will be determined upon the size of the dune and the slope of the seaward dune face. Dunes that are relatively small in height and that have a gradual seaward dune face may be suitable for an at-grade access. If the site is suitable for an at-grade access it shall be no wider than 36 inches and the alignment shall be well marked. The direction or approach of the at-grade access will be determined based upon site conditions. Generally the approach should be to the southeast at a 45-degree angle to the shore.
4. Where site conditions require an elevated boardwalk the following standards shall be employed:
 - a. The height from the dune surface (sand) to the lowest horizontal part of the boardwalk (excluding piles or other vertical supports) shall be a minimum of 18 inches for retrofitted boardwalks and a minimum of 24 inches for new boardwalks or as high as it is wide, whichever is appropriate. No skirts, lattice or similar trim components will be allowed. The design height above the dune shall also consider the height of the surrounding dune.
 - b. The maximum width of the boardwalk shall be 36 inches.
 - c. All boardwalk decking shall have a minimum of one inch spacing.
 - d. The boardwalk shall be designed to allow modifications as the dune grows in height and width.
 - e. The boardwalk shall be designed with removable or breakaway sections, especially for those areas where the boardwalk or stairs from the boardwalk are located on the most seaward face of the dune or on the beach.
 - f. The approach or direction of the boardwalk from the private property to the beach will be determined based upon site conditions.
 - g. No risers will be allowed on stairs.
 - h. Vertical supports shall be pilings or posts that are driven and are not to be encased in concrete or other footings. No heavy equipment or machinery shall be used to install the vertical supports.
 - i. Vertical supports are not to be installed in dune slopes that are steeper than 30 degrees.

- j. Any portion of the boardwalk or stairs that are removed on a seasonal basis shall not be stored on DCR property or on any portion of a vegetated dune. Storage is recommended to be on portions of the boardwalk that are not removed.

Review Process

Requests for access to the beach from private property may occur as a result of a permitting action or enforcement action. It is recommended that DCR should be involved in the review of the access as soon as possible. DCR will provide assistance regarding the type of access (at-grade or elevated) and the direction of the approach to the beach.

Before an Order of Conditions has been issued or an enforcement document has been finalized DCR should be notified. When a Notice of Intent is filed with the Conservation Commission and MassDEP, proof must be provided that requests for review will be made to the DCR Salisbury Beach Reservation. For enforcement actions MassDEP will provide a written explanation of the proposed access and how the access helps to protect the coastal resources and whether the access will interfere with public access to or on the beach. DCR has offered that they will develop a checklist to track the approval process within their agency.

Besides these general design standards there is a need to include requirements for proper maintenance to make sure the structure does not become a nuisance or obstruction on the beach, review requirements for substantial improvements or modifications (but no review for routine maintenance of the approved existing boardwalk). This can be included as part of the DCR review and approval process.

Boston:

Motor vehicle access is prohibited on beaches in Boston, except by those charged with beach maintenance by the administering agency. With the exception of the L St. Beach in South Boston, harbor beaches within the city limits are owned and operated by the Massachusetts Dept. of Conservation and Recreation (DCR). The DCR's Beaches Division may be reached at 617-727-5920 weekdays during business hours, and the DCR's website is www.mass.gov/dcr. The L St./Curley Recreation Center is operated by the Boston Centers for Youth and Families, and may be reached at 617-635-5104 weekdays during business hours

State Parks:

Waiting on email response

National Wildlife Refuges:

Waiting on email response

National Parks:

Cape Cod:

Oversand Beach Driving

[Link to Cape Cod National Seashore ORV Environmental Assessment, 2007](#)

[Link to Cape Cod National Seashore ORV Surfcaster Ethnography Report](#)

The off-road driving corridor at Cape Cod National Seashore is comprised of miles of unspoiled beaches managed by the National Park Service to accommodate off-road vehicle (ORV) enthusiasts and other beach goers. Outlined are requirements and regulations for driving off-road at Cape Cod National Seashore. All applicable federal and state laws and regulations apply and are enforceable.

[CURRENT ORV ROUTE MAP](#) **Annual ORV Permits go on sale starting Wednesday, March 28, 2007**

Maximum of 150 permits issued per day

(Tickets will NOT be issued starting at 6am for the 150 available permits. Due to the success of the changes made to the permit issuing procedure, the 150 daily sales limit was never reached and seasonal and 7-Day permits were available throughout the year.)

Hours:

8:00am to 4:30pm

Seven days a week (including all holidays)

Price:

ORV Annual - \$150

ORV 7-Day - \$50

SCV Annual - \$225

SCV 7-Day - \$75

There will be up to 400 7-Day permits active at any time and 3000 annual permits available.

An Advanced Sales System is available for 7-Day permits. Two hundred (200) of the 400 7-Day permits offered will be available through the Advanced Sales System. The remaining 200 7-Day permits will be issued, in person, on a first-come, first-served basis at the Oversand Station at Race Point.

Only 7-Day permits may be obtained through the Advanced Sales System. **Weekly permits will go on sale through the Advanced Sales System on March 1.**

7-Day permits through the Advanced Sales System must be purchased at least one

week before the date of issue; the completed request form, with credit card/payment information, must be received by the Oversand Office no later than seven calendar days prior to the requested issue date. More than one week may be requested through the Advanced Sales System or in person.

[To obtain an Advanced Sale System form, click here.](#)

The Advanced Sales Form will be accepted in person at the ORV station in Provincetown;
via FAX, to (508) 487 - 7259;
U.S. mail to: Cape Cod National Seashore
99 Marconi Site Road
Wellfleet, MA 02667
Attn: Oversand Office.

Call the Off-Road Information Line for station hours, current driving conditions, closures and other information: (508) 487-3698

When considering a 7-Day permit, be aware that as the Piping Plover population increases, the amount of ORV corridor may decrease significantly during June and July. There will be no refunds.

Operators:

Registered owners and other operators must have a valid state operator's license; view an educational orientation program each season; and abide by all Seashore and off-road regulations.

Vehicles:

4-Wheel/All Wheel Drive Vehicles or Self-Contained recreational vehicles must have: a valid state registration, inspection sticker, insurance, tires meeting standards outlined in this brochure and all required accessory equipment.

Rental vehicles are prohibited.

Vehicles will be inspected for required accessory equipment:

- Shovel: Heavy-duty shovel equal to a military folding shovel
- Towing Device: Any of the following which are at least 14 feet long:
Tow Strap: 1 1/2"; Rope: 3/4"; Chain 5/16"; Cable 1/4"
- Jack: Standard size (e.g., vehicle manufacturer's jack)
- Jack Support Board: Wood: 10" x 12" x 1 1/2" or Plywood: 10" x 12" x 3/4"
- Tire Pressure Gauge: Must register to 5 p.s.i. or lower
- SCV's and pick-up truck campers must also have a fire extinguisher and permanently mounted holding tanks.
- Spare Tire: Must meet tire standards outlined below.
- Tires: All 5 tires, including the spare tire, must meet or exceed the standards

outlined below. These standards are minimum acceptable tire standards.

Rim Diameter	Width	Profile	Example
19"	265	50 or >	P265 / 50 R19
18"	255	55 or >	P255 / 55 R18
17"	245	60 or >	P245 / 60 R17
16"	235	65 or >	P235 / 65 R16
15"	225	70 or >	P225 / 70 R15
14"	195	70 or >	P195 / 70 R14
13"	185	70 or >	P185 / 70 R13

Dual-Wheel Standards for R/V's and Pick-Up Campers (including spares):

Self-Contained & Pick-Up Campers	Tire Section Width		Profile	Spare Tire	Example
	mm	inches			
2 Front Tires	245	9.5	70 or >	Matching Spare	Front: LT245/70 R16
4 Rear Tires	215	8.0	70 or >	Matching Spare	Rear: P215/70 R15

Driving Corridor:

The Off-Road Corridor includes the beach route from Race Point Lighthouse in Provincetown to Head of the Meadow Beach in Truro. Coast Guard Beach to Longnook Beach in Truro is open for night fishing only. See designated off-road routes and definitions on the maps and diagrams. Travel may be restricted at the discretion of park rangers because of changing beach conditions and shorebird nesting activity.

For enjoyment of Cape Cod National Seashore's off-road route today and in future years, every operator must know, understand and abide by all seashore regulations.

All ORV traffic is limited to the backshore area of the beach, a marked corridor defined by a 10 foot offset from the spring high tide line to the berm crest at the normal high tide line. Check with rangers if in doubt. All applicable federal and state laws and regulations apply and are enforceable. Foreshore and foredune areas are off limits EXCEPT travel in the foreshore area when passing a beach cut that has eliminated the legal off-road vehicle corridor. Driving through inner dune routes, posted shorebird nesting areas and lifeguard-protected beaches is prohibited.

Driving Season & Hours:

The off-road vehicle corridor is open from April 15 through November 15. Portions of the beach may be closed to driving because of changing beach conditions and/or shorebird nesting activity.

Speed Limits:

15 m.p.h. on the beach unless otherwise posted and 5 m.p.h. through self-contained camping areas and posted shorebird nesting areas.

Right of Way & Safety:

When two vehicles meet on the beach, the operator of the vehicle with the water on the right has the right of way. Riding on fenders, tailgate, roof, or any exterior portion of a vehicle not designed to carry passengers is prohibited.

New Hampshire:

Counties:

Rockingham:

Per email response:

Hello Mr. Burchard,

I am not aware of any regulation at the County level regarding beach access. I recommend that you check with the local town authorities (Rye, Hampton, etc.) for a definitive answer. Good luck with it.

Best Regards,
Jude Gates

Jude Gates, Director of Facilities, Planning & IT
Engineering & Maintenance Services
Rockingham County Complex
116 North Road
Brentwood, NH 03833-6614
jgates@co.rockingham.nh.us
t 603 679-9375
f 603 679-9380

Cities:

North Hampton (http://www.northhampton-nh.gov/Public_Documents/NorthHamptonNH_BBoard/00EE06A8-000F8513)

North Hampton residents may purchase Beach Stickers at both the Town Administrative Offices, 233 Atlantic Avenue, 2nd Floor and the Clerk/Tax Office, 237 Atlantic Avenue. The cost is \$20 per car. The beach sticker allows residents to park in the reserved spaces marked "leased parking" at the North Hampton State Beach. North Hampton vehicle registrations are required.

Waiting on email responses from other cities

National Wildlife Refuges:

Waiting on email responses from other cities

State Parks/National Parks:

Non on coast in New Hampshire

New Jersey:

Counties:

Atlantic County (E-code.com): ARTICLE IV Vehicle and Traffic Regulations

§ 97-27. Compliance with state statutes.

All provisions of the New Jersey State Motor Vehicle and Traffic Laws and regulations, including those regarding equipment, lights, licenses, brakes, etc., shall apply in County parks areas and shall be strictly enforced.

§ 97-28. Reckless driving prohibited.

No person shall operate, cause or permit to be operated any vehicle recklessly or negligently or at a speed or in such a manner as to endanger or injure other persons or property.

§ 97-29. Compliance with speed limits.

No person shall operate a vehicle in any part of a County parks area at a rate of speed exceeding that posted. Where the speed limit is not posted, no person shall operate a vehicle at a rate of speed exceeding 15 miles per hour.

§ 97-30. Repairs and maintenance prohibited.

No person shall use any parks areas for the repairing or cleaning of any vehicle, except in an emergency.

§ 97-31. Driving instruction; vehicle demonstration prohibited.

No person shall use any parks area for the purpose of demonstrating any motorized vehicle or for the purpose of instructing another or learning to drive or operate a motorized vehicle.

§ 97-32. Towing prohibited.

No person shall cause or permit a vehicle in tow of another to enter a parks area of proceed therein, except that, in case of a breakdown, a disabled vehicle may be towed to the nearest exit.

§ 97-33. Vehicles limited to roadways.

Vehicles shall only be operated on roadways designated for that purpose.

§ 97-34. Obedience to officers.

Whenever any County representative shall indicate or direct, by gesture or otherwise, that a vehicle shall be slowed or stopped or its course altered, the driver thereof shall immediately obey such directions.

§ 97-35. Parking.

No owner or driver shall cause or permit his or her vehicle to stand anywhere outside of designated parking spaces, except for a reasonable time in a drive to take up or set down passengers.

§ 97-36. Observance of restrictive signs.

When a road, drive, path or other area shall be restricted as to traffic or closed and duly marked by signs, road markings or barricades, it shall be a violation of this chapter to fail to observe and obey such signs, road markings or barricades.

§ 97-37. Emergency vehicles exempted.

The provisions of this chapter shall not apply to the vehicles, trucks and apparatus of a fire department, police department, other emergency agency or ambulances or to emergency vehicles of the County when responding for emergency work in case of fire, accident, public disaster, impending danger or other emergency.

ARTICLE V Permit Requirements and Procedure; Fees

§ 97-38. Reservation or advance notice required.

In order to maintain the orderly and efficient use of the County's parks areas and to preserve resources, advance arrangements are required for the following:

- A. Exclusive use of the gazebo in Gaskill Park.
- B. Exclusive use of pavilions in Estell Manor Park.
- C. Use of lodge at Camp Acagisca.
- D. Use of County parks areas for solicitation or leafletting.
- E. Participation in County-sponsored classes.
- F. Tournament use of the golf course.
- G. High school golf team use of the golf course.
- H. Exclusive use of the shelter area in Oscar E. McClinton Jr. Waterfront Park. **[Added 4-24-2001 by Ord. No. 7-2001]**

- I. Exclusive use of the gazebo in Lenape Park. [Added 4-24-2001 by Ord. No. 7-2001]
- J. Bike-a-thons, walk-a-thons and other group bicycling or pedestrian activities upon the Atlantic County Bike Path or any other County park property. [Added 4-1-2003 by Ord. No. 7-2003]

§ 97-39. Permit required.

In order to maintain the orderly and efficient use of the County's parks areas and to preserve parks resources, permits are required for the following:

- A. Camping.
- B. Boat mooring over 48 hours.
- C. Operation of power craft on Lake Lenape.
- D. Special events as defined in Article I of this chapter.
- E. Public assemblies.
- F. Hunting.
- G. Sale of merchandise.
- H. Use of the challenge course.
- I. Cutting of wood.
- J. Use of metal detectors.
- K. Temporary boat mooring. At Gaskill Park, boats that have not registered with the County as set forth in this chapter shall be permitted to tie temporarily to the bulkhead along the Great Egg Harbor River, only to the extent that designated mooring spaces are available, and only between the hours of 7:30 a.m. and 1/2 hour after sunset, daily. Boats that that have not registered with the County as set forth in this chapter shall not moor to the bulkhead at any other time between 1/2 hour after sunset and 7:30 a.m. [Added 4-1-2003 by Ord. No. 7-2003]
- L. Weddings. [Added 4-1-2003 by Ord. No. 7-2003]
- M. Bike-a-thons, walk-a-thons and similar organized bicycling or pedestrian events. Prior to applying for a permit from the County for such activities, the organizing entity shall obtain a letter of endorsement from the municipal governing body, confirming that arrangements have been established to provide adequate public safety and traffic control at all public street crossings that are included within the proposed travel route. [Added 4-1-2003 by Ord. No. 7-2003]

§ 97-40. Standards for granting or denying use of parks areas.

- A. Whenever a County ordinance, rule or regulation requires that permission be sought to use County parks areas, the County official making the determination whether to

grant or deny a permit, reservation or other request to use County parks areas shall consider the following factors, as appropriate:

- (1) Prior commitment of the site on the date requested.
- (2) Suitability of the site requested based on the size and nature of the proposed activity.
- (3) Availability of alternate sites.
- (4) Potential injury or damage to park area resources.
- (5) The activity's compatibility with the purposes of natural, historic, wilderness or commemorative areas.
- (6) Whether the activity would unreasonably impair the atmosphere of peace and tranquility maintained in wilderness, natural, historic or commemorative zones.
- (7) Whether the activity can be accommodated within a reasonable budgetary allocation of the Department's funds, considering the anticipated size and hours of the activity as well as the anticipated participation of the general public, based on the activity's public appeal.
- (8) Whether the activity will unreasonably interfere with interpretive, visitor service or other program activities.
- (9) Whether there are sufficient emergency services to accommodate the size and nature of the activity.
- (10) The effect of the activity on the public's access to park facilities.
- (11) Whether the activity will present a clear and present danger to the public health and safety.
- (12) Whether any application is complete and all fees paid.
- (13) Whether the applicant has allowed sufficient time for the division to plan for and coordinate the requested activity.
- (14) The willingness and ability of the applicant to cover expenses related to the activity, including but not limited to first aid, sanitation, traffic, security and utilities.

B. Rights guaranteed by the New Jersey and United States Constitutions and Statutes shall not be abridged in the course of granting or denying use of County parks areas.

§ 97-41. Processing fee. [Amended 4-24-2001 by Ord. No. 7-2001]

Where indicated, requests for a permit or reservation must be accompanied by a nonrefundable processing fee of \$5. This fee is in addition to any other fees charged. This fee shall apply to permits issued for powerboats and low-powerboats pursuant to § 97-72.

§ 97-42. Site fees. [Amended 4-24-2001 by Ord. No. 7-2001]

The fees for use of the following sites are as stated below and are in addition to the processing fee of \$5. Fees for sites covered in specific parts of this chapter (such as camp sites and boat moorings) can be found under those headings.

Site	Fee
Gazebo in Gaskill Park	\$30.00 per event
Pavilions at Estell Manor	\$30.00 per event per day
Lodge at Acagisca	\$25.00 per night and/or day
Shelter area in Oscar E. McClinton Jr. Waterfront Park	\$30.00 per event
Gazebo in Lenape Park	\$30.00 per event
Exclusive use of other park areas	\$100.00 per day for up to 100 people, and \$50.00 for each additional group of up to 50

§ 97-43. Security deposit.

Applicants for use of County facilities may be asked to give a security deposit to cover any damages to the facility or cleanup costs. Users of County facilities must leave the facility in as good order as they found it. The security deposit will be returned after the facility has been inspected for damage and debris, provided that the facility has been left in good order. The County reserves the right to deduct the cost of repairs and/or cleaning expenses from the deposit before returning the funds as well as the right to seek reimbursement for such costs above the amount of the deposit.

§ 97-44. Activity fees. [Amended 4-24-2001 by Ord. No. 7-2001]

The fees for the following activities are as stated below. Fees for activities covered in specific parts of this chapter (such as shooting and golf) can be found under those headings.

Activity	Fee
Nature discovery class	\$25.00 per class
Park-instructed craft class	Cost of materials
Miscellaneous classes	Instructor fee plus materials

§ 97-45. Extraordinary costs.

- A. The Division may require an applicant for parks area use to provide for services beyond those reasonably provided by County personnel in their normal course of duty. Issuance of a permit or the granting of permission can be conditioned upon an applicant's payment of all expenses in connection with the activity, including but not limited to first aid, sanitation, traffic, security and utilities.

- B. Extraordinary expenses may also include the cost of any police or other traffic control, flag persons, chase vehicles, first aid, detour plans, signs or other matter or thing that may be, in the judgment of the County, necessary to protect the health, safety or welfare of persons, private property or County property. **[Added 4-1-2003 by Ord. No. 7-2003]**

§ 97-46. Overtime/extra-duty fee.

If an applicant's proposed use of a County parks area requires extra County staff to be on duty beyond the normal scheduled times, as determined by the Division Director, a fee of \$15 per hour per employee will be charged.

§ 97-47. Method of payment.

- A. Payments to the Division shall be made by check or money order made payable to the Treasurer, County of Atlantic. There is a charge of \$20 for returned checks.
- B. Cash payments are accepted at the golf course and range.
- C. County personnel can only accept cash payments in accordance with established internal procedures.

§ 97-48. Cancellation and refunds.

- A. Two-week notice. Unless otherwise provided, a refund of the site and/or activity fee will be issued if 14 days' advance notice of a cancellation is received, in writing, by the Division. A cancellation fee of \$5 will be deducted from the refund amount.
- B. One-week notice. Unless otherwise provided, if seven days' advance notice of a cancellation is received, in writing, by the Division, fees will not be refunded, but the cancelling party will be given an opportunity to reschedule and apply the fees paid to the new reservations. In those instances where the Division is able to fill the vacated reserved activity, refunds up to the amount recouped will be given.
- C. Less than one week's notice. If less than seven days' notice, in writing, is received by the Division, all fees will be forfeited, unless the Division is able to fill the vacated reserved activity. Any refund is limited to the amount recouped through the rescheduling.
- D. Refunds will be issued in the mail by the Atlantic County Treasurer's Office.

§ 97-49. Waiver of fees or conditions.

- A. The department head and/or Division Director may consider a request to waive the fees for the use of an Atlantic County parks area. The following factors shall be considered:
 - (1) Whether the request is for off-season or prime-time use.

- (2) Whether the purpose is nonprofit, charitable or for-profit.
 - (3) The size and complexity of the event.
 - (4) There is an offer to perform a needed service for the Division in exchange for use.
 - (5) Some other valuable exchange is offered for use.
 - (6) The request is from another governmental unit or agency.
 - (7) Whether the request conflicts with another fee-generating request.
- B. There is no fee for a unit or division of the Atlantic County government using a parks area for a County function.

§ 97-50. Application forms. [Amended 4-1-2003 by Ord. No. 7-2003]

- A. The Division shall provide application forms for reservations, permits, and other consents or approvals that may be required concerning County park areas in accordance with this chapter. Persons seeking reservations, permits or other consents or approvals concerning the Atlantic County Public Range shall either submit a request in writing or apply in person at the facility's offices, located at 710 Betsy Scull Road, Egg Harbor Township. Concerning the John F. Gaffney Green Tree Course, persons shall either submit a request in writing or apply in person at the facility's offices, located at 1030 Mays Landing - Somers Point Road, Egg Harbor Township. Concerning all other County park facilities, interested persons shall either submit a request in writing or apply in person, at the Division's offices at Lake Lenape Park, 6303 Old Harding Highway, Mays Landing, N.J.
- B. All written inquiries shall include a self-addressed stamped envelope, with a brief description of the request.

§ 97-51. Application process.

- A. Requests for park use will be processed in order of receipt and sites allocated once the application process is complete. However, County events are given priority.
- B. Applications for use of the Public Range Facility will be processed by the range manager. See Article XI, Atlantic County Public Range Facility.
- C. Applications for use of Greentree Golf Course will be processed by the golf course manager. See Article XII, Golf.
- D. Applications for use of other County parks areas will be accepted in person at the Division offices in Estell Manor Monday through Friday from 8:00 a.m. to 4:00 p.m., holidays excepted, or by mail care of Atlantic County Parks, 109 State Highway 50, Mays Landing, New Jersey 08330.
- E. The Division will tentatively reserve a date over the phone and will hold the requested date for seven days. If the requestor has not completed the application

process within those seven days, the date will be released.

- F. An application will be considered complete when all information has been provided and fees paid.
- G. Applications for use of parks areas shall be submitted to the Division based on the following time frames:
 - (1) Public assemblies: a minimum of two working days in advance of the activity.
 - (2) Special events: a minimum of 30 days in advance of the activity.
 - (3) Activities requiring advance notice: a minimum of 24 hours in advance.
 - (4) Other activities as stated in specific Articles.
- H. The application time frames may be waived by the Division if the size and nature of the activity will not reasonably require the commitment of park resources or personnel in excess of that which are normally available or which can reasonably be made available within the necessary time period.
- I. The Division shall promptly review and grant or deny all applications with due regard for the immediacy of the request.
- J. If an applicant's request is denied, the Division Director shall inform the applicant, in writing, of the denial and the reason(s) therefor.

§ 97-52. Insurance requirements.

- A. The Division may require, as a prerequisite to use of a County parks area, the provision of liability insurance in which the County of Atlantic is named an additional insured. The type and amount of insurance coverage is based on the Risk Manager's evaluation of liability potential.
- B. Organized groups will be required to demonstrate that they maintain adequate insurance coverage for liability purposes, depending upon the nature of the activity or event. Minimum coverage of \$1,000,000 is required.
- C. A certificate of insurance, acceptable to the Risk Manager, must be received by the Division at least 10 days prior to the event. Failure to provide this certificate may result in cancellation of the activity.
- D. Requests for review of the insurance requirements, based on hardship, shall be decided by the department head and Risk Manager.

§ 97-53. Limitations on use.

The Division may impose such conditions on the use of parks areas as are reasonably consistent with the protection and use of a parks area for the purpose for which it is established. Reasonable limitations on use of equipment and the time and area within which an activity is conducted can be set by the Division.

§ 97-54. Indemnification.

The County may require applicants to execute an agreement to indemnify, defend and hold harmless the County and its employees and agents for loss, injuries and damages as a prerequisite to using a County parks area

Cities:

Cape May (E-Codes.com):

§ 158-9. Prohibited acts at Boardwalk, promenade, beaches and environs.

- A. Boardwalk, promenade and environs. No person shall, upon any boardwalk, promenade, steps or ramps adjacent thereto:
- (1) Operate, drive or park any type of vehicle except emergency vehicles which are authorized by the City Manager, Chief of Police or Superintendent of Public Works to be used for policing and cleaning.
 - (2) Start a fire or use any type of portable device used for cooking.
 - (3) Ride, park or take any bicycle from May 1 to October 31 except between the hours of 4:00 a.m. and 10:00 a.m.
 - (4) Take, allow, or permit any type of animal with or without a leash.
 - (5) Use or permit the use of roller devices which are securely connected to safety shoes, commonly called roller skates and in-line skates, from May 1 to October 31 except between the hours of 4:00 a.m. through 10:00 a.m. Except for baby carriages and wheelchairs for persons with disabilities, roller devices which are not securely connected to safety shoes are prohibited at all times.
 - (6) Park or stand, carry or transport any surfboard on the promenade or boardwalk, except to cross the promenade at such places and during such hours that surfing shall be permitted by the Beach Supervisor of Lifeguards.
 - (7) Ignore any whistle, signal or order of any lifeguard or police officer of the City pertaining to the sport of fishing from the asphalt promenade or rock wall adjacent thereto or any jetty or groin.
 - (8) Park vehicles, loiter, assemble, band or crowd together or otherwise act so as to interfere with the ingress and egress of others to the beach.
 - (9) Engage in any type of rough athletics at any time.
 - (10) Hawk or peddle any article, goods, wares or merchandise or place or paint signs, advertisements, notices, symbols or marks upon the boardwalk, asphalt promenade or any of the approaches thereto, except as permitted by the City Manager or where a license is required under the City Code by the City Council.

(11) Consume or possess alcoholic beverages.

B. Beaches. No person shall, upon any beach, jetty, groin or waters adjacent thereto:

- (1) Throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed articles or things, paper, refuse or debris of any kind on the beaches.
- (2) Permit any dog or animal on the beach from the intersection of the midpoint of Madison Avenue and the Beach to Third Avenue. Dogs shall be permitted on the beach from the intersection of the midpoint of Madison Avenue to and including Poverty Beach, upon the following conditions:
 - (a) Dogs shall be permitted only during the months of November, December, January, February and March.
 - (b) Dogs shall be kept on a leash at all times and be accompanied by their owner or caretaker.
 - (c) The owner or caretaker shall carry a dog waste disposal device. Any owner or caretaker of a dog who permits such dog to leave animal waste on the beach without disposing of same shall be subject to the penalties as set forth in § 158-15.
- (3) Consume or possess alcoholic beverages.
- (4) Change apparel, dress or undress, defecate or commit any other nuisance.
- (5) Act in an obscene, indecent or offensive manner.
- (6) Make, continue or cause to be made any loud, unnecessary or unusual noise or revel, disport or behave in a noisy and boisterous manner or emit loud cries and other noises also as to inconvenience others, or otherwise disrupt and disturb the public peace and dignity.
- (7) **Operate, drive, park or move any vehicle on the beach except for emergency vehicles or those used for cleaning or policing the beaches with the permission of the City Manager, Chief of Police, Beach Superintendent of Lifeguards or Superintendent of Public Works.**
- (8) Start or maintain a fire for any purpose or start or maintain a portable device for cooking.
- (9) Hawk or peddle any article, goods, wares, or merchandise, or place or paint any signs, advertisements, notices or symbols on the beach except as permitted by the City Manager or where a license is required under the City Code by the City Council.
- (10) Bathe or swim from the beachfront or other designated area except from designated bathing beaches where lifeguards are provided.
- (11) Engage in any type of fishing within 500 feet of where people are bathing during normal guarded beach hours except at the following locations:

- (a) Along the beaches, groins and jetties east of Baltimore Avenue.
 - (b) Within an area 100 feet east and west of the Queen Street jetty and on the Queen Street jetty.
- (12) Swim or bathe beyond a safe depth in the ocean, as indicated, determined or regulated by the beach patrol or any member thereof. No one shall dive or swim from any jetty, boardwalk or asphalt promenade, or any rock wall adjacent thereto.
- (13) Ignore any whistle, signal or order from any lifeguard or police officer of the City pertaining to the use of any lifebelt, water wings, innertube or any floating or inflated object or device of any kind or description in the bathing area adjacent to the beach. No canoe, boat or life raft or any type of motorized boat, raft or canoe shall be used on any beach at any time with the following exceptions:
- (a) Kayaks are permitted on unguarded beaches at any time.
 - (b) On guarded beaches, kayaks are permitted at any time other than between the hours of 9:30 a.m. and 5:30 p.m. during the guarded beach season and at any time during the unguarded season.
 - (c) A twenty-five-foot kayak launching and landing area to be used for the purpose of accessing water outside of the bathing or surf zone shall be established at a location on the far western end of the City-owned beach by the Beach Supervisor of Lifeguards as safety and other circumstances shall require.
 - (d) Kayak wave surfing is prohibited at all guarded beaches during guarded beach hours.
 - (e) Anyone operating, using or riding upon a kayak in any water within the control of the City of Cape May shall comply with all state and federal regulations.
- (14) Engage in any type of rough athletics at any time.
- (15) Climb or enter any of the equipment used by the lifeguards, without the permission of the lifeguards in charge, nor molest, bother or annoy the lifeguards in the performance of their duties.
- (16) Hold or engage in any type of beach party on any beach within the City limits, except pursuant to a permit issued in accordance with § 368-4, Park use permits.
- (17) Be present on any beach or waters adjacent thereto between hours the of 10:00 p.m. and 6:00 a.m. daily.
- (18) Tamper with any public, quasi-public or private property left on the beach or beachfront, without first obtaining the permission from the owner or person who has lawful control of property, nor destroy, damage, or cause to be damaged any of the equipment or property.

- (19) Use a lifebelt, water wings, innertube or any floating or inflated object or device of any kind or description in the bathing area adjacent to the beach, except in areas designated for such purpose by the City Manager.
- (20) Ignore any whistle, signal or orders pertaining to conduct on the beaches of the City under the supervision of the Cape May lifeguards.
- (21) Tamper with or handle the boats, lifeguard stands or any other equipment which is used by the beach patrol.
- (22) Engage in the sport of surfing with surfboards or other similar devices, or use the same on any beach, or waters adjacent thereto, at any time except as permitted by and at locations as are designated by the Beach Superintendent of Lifeguards or his designated representative. The Beach Superintendent of Lifeguards shall designate permitted times and locations for surfing as safety and other circumstances shall require and shall notify the public and the proper City officials of same.
- (23) Engage in any commercial, business or promotional activity without a resolution of the City Council specifically authorizing such activity in full compliance with all applicable federal, state and local laws.

North Wildwood (E-codes.com):

§ 138-1. Definitions. [Amended 5-5-1987 by Ord. No. 957; 6-21-1988 by Ord. No. 1008]

As used in this article, the following terms shall have the meanings indicated:

BEACH — Beginning at 26th Street and continuing in a northwestwardly direction, the beach shall consist of all of the area that is located in a generally seawardly and southeasterly direction from the westerly edge of the Boardwalk, the easterly edge of Blocks 411, 412 and 413, the easterly edge of John F. Kennedy Beach Drive and the easterly edge of the seawall that is located along Hereford Inlet from John F. Kennedy Beach Drive to an existing stone groin in the vicinity of Ocean Avenue. Beginning at the existing stone groin in the vicinity of Ocean Avenue and continuing in a generally northwestwardly direction, the beach also shall consist of all of the area that is located in a general seawardly and easterly direction of the easterly edge of the seawall and then the bulkhead that runs along Hereford Inlet from the aforementioned stone groin to the easterly lot line of the municipal parking lot at Old New Jersey Avenue and Spruce Avenue and which then continues running in a general northwestwardly direction along the northwesterly edge of the municipal parking lot at Pine Avenue and New York Avenue. **[Amended 4-17-2001 by Ord. No. 1386]**

§ 138-2. Hours of use. [Added 5-16-1961 by Ord. No. 417]

It shall be unlawful during the months of May, June, July, August and September of each year for any person to walk, drive, ride, bathe, swim or otherwise be on the beach, as defined in said ordinance, from 10:00 p.m. to 6:00 a.m. the following day, excepting City employees who clean the beach, during their performance of such duty, and the municipal police and other members in the Department of Public Affairs and Public Safety.

ARTICLE II Operation of Vehicles [Adopted 3-18-1975 by Ord. No. 632]

§ 138-5. Operation of certain vehicles on beaches prohibited.

Except as hereinafter provided, it shall be unlawful to operate any motor vehicle, of any type or description, including but not limited to automobiles, trucks, buses, motorcycles, motorbikes, minibikes, motor scooters and go-carts, on any of the beaches within the City limits of the City of North Wildwood, New Jersey.

§ 138-6. Operation of vehicles for certain purposes allowed.

It shall be lawful to operate a motor vehicle, licensed under this article, on the beaches of this City, pursuant to the terms of this article, only as follows:

- A. For the purpose of sport surf fishing, the dates and times are: **[Amended 6-5-2002 by Ord. No. 1416; 9-3-2002 by Ord. No. 1424]**
 - (1) The day after Labor Day through September 30, inclusive, in each year, the hours when operation is permitted shall be from 1/2 hour before sunrise until 10:00 a.m. and from 4:00 p.m. until 1/2 hour after sunset, prevailing time.
 - (2) From October 1 through April 30, inclusive, in the following year, the hours when operation is permitted shall be from 4:00 a.m. until 10:00 p.m., prevailing time.
 - (3) From May 1 through the Monday before the Monday on which Memorial Day is observed in each year the hours when operation is permitted shall be from 1/2 hour before sunrise until 10:00 a.m. and from 4:00 p.m. until 1/2 hour after sunset, prevailing time.
 - (4) Notwithstanding any of the foregoing, the area of the beach between 15th Avenue and 22nd Avenue, known as the "recreation area," shall not be used during the hours and on the days authorized herein for the operation of minibikes.
- B. (Reserved) *Editor's Note: Former Subsection B, concerning all-terrain vehicles, cycle and bike riding, as amended 6-8-1984 by Ord. No. 868, was repealed 5-5-1987 by Ord. No. 958.*
- C. For any other purpose deemed appropriate for commercial vehicles by the Chief of Police of the City of North Wildwood or his designee or at the direction of the Director of Public Safety. **[Added 5-7-1985 by Ord. No. 891]**
- D. For the purpose of operating a beach tram, which shall be operated by the City of North Wildwood or an individual or entity under contract with the City of North Wildwood. **[Added 4-7-1992 by Ord. No. 1118]**

§ 138-7. Vehicles used for sport fishing.

The following regulations shall apply to motor vehicles to be operated on the beaches for sport fishing:

- A. A person desiring to operate a motor vehicle on the beaches of this City for sport fishing shall make application for a license to do so at the office of the City Police Department during regular business hours only. The applicant shall present his motor vehicle for inspection at the time and place designated by the Police Department, and said vehicle must bear a current inspection sticker issued by the state in which the vehicle is registered, if required for the operation on the highways of that state. The applicant shall also supply his name, address, driver's license and vehicle registration.
- B. The Department of Public Safety shall collect a fee of \$10 for North Wildwood residents and \$25 for nonresidents for each license issued hereunder. Such license shall be valid from the date issued until the following Thursday before Memorial Day. The applicant, if properly qualified, shall, in addition to his license, receive a descriptive decal which is to be exhibited in plain view on the motor vehicle licensed under this article at all times while on the beaches. **[Amended 4-5-1988 by Ord. No. 986; 9-7-1999 by Ord. No. 1336]**
- C. The following equipment must be carried in any vehicle using the City of North Wildwood beaches: tow rope, jack with a board, inflated spare tire, shovel, fire extinguisher with necessary material and supplies, first-aid kit and flashlight.
- D. Only a person licensed under this article may operate a motor vehicle on the beaches of this City during the prescribed periods of time, and he may only operate a vehicle licensed under the provisions of this article.

§ 138-8. Commercial vehicles. [Added 5-7-1985 by Ord. No. 891]

The following regulations shall apply to commercial motor vehicles to be operated on the beaches of the City of North Wildwood:

- A. A person desiring to operate a commercial motor vehicle on the beaches of the City of North Wildwood shall make application for a permit to do so to the Chief of Police of the City of North Wildwood or his designee, during regular business hours only. The applicant shall present his commercial motor vehicle for inspection at the time and place designated by the Chief of Police or his designee, and said vehicle must bear a current inspection sticker issued by the state in which the vehicle is registered if required for operation on the highways in that state. The applicant shall also supply his name, address, driver's license, vehicle registration, proof of motor vehicle insurance and reason for the issuance of the permit.
- B. Permits will be issued on a date-to-date basis, for a maximum of one month, and said time period will be determined by the Chief of Police or his designee, in his sole discretion.
- C. Fees. **[Amended 8-6-1985 by Ord. No. 903; 5-5-1987 by Ord. No. 956; 4-5-1988 by Ord. No. 986]**
 - (1) The Chief of Police and the Public Safety Director of the City of North Wildwood, or their designees, shall collect fees for every permit issued to commercial vehicles which are traveling on the beach of the City of North Wildwood, and said fees shall be as follows:

Type of Fee	Vehicles Traveling to Points	
	Within City Limits of Wildwood	Outside City Limits of City of North Wildwood
1-day fee	\$10	\$20
30-day fee	\$25	\$100
Yearly fee	\$50	\$200

(2) The above fees may only be waived by resolution of the Mayor and Council.

D. Only a person who is issued a permit under this article may operate a motor vehicle on the beaches of this City under the provisions of this article.

§ 138-9. Vehicles with sleeping or eating accommodations.

No vehicles with sleeping or eating accommodations shall be issued a permit or operated on said beaches at any time.

§ 138-10. Speed limit. [Amended 6-8-1984 by Ord. No. 868]

No vehicles, except all-terrain vehicles, cycles and bikes as permitted in § 11-11 **Editor's Note: Former § 11-11, All-terrain vehicles, cycles and bikes, as amended 6-8-1984 by Ord. No. 868, was repealed 5-5-1987 by Ord. No. 958.** hereof, shall be operated on the beaches of this City of North Wildwood at a speed in excess of 15 miles per hour.

§ 138-11. Points of access to beaches. [Amended 5-7-1985 by Ord. No. 891]

Access to and from the beaches shall be made at 5th Avenue, 15th Avenue and 23rd Avenue only, and all vehicles must enter at the avenue closest to their destination and remain in that general area on the beach.

§ 138-12. Area for operation of vehicles limited.

Except during actual entrance to and exit from the beach at the appropriate access points, no vehicle shall be operated at a distance of more than 50 feet from the then existing high-tide line and no closer than 50 feet to any sand dune. In addition, while entering or exiting from the beach, care shall be taken not to operate across or cause damage to any sand dunes.

§ 138-13. Adoption and compliance with regulations.

The City Council is hereby authorized and empowered to adopt by resolution such other rules and regulations as it may deem necessary for the proper control of motor vehicles on the beaches, and licensees and permittees shall comply with all the rules and regulations herein set forth and as shall subsequently be adopted.

§ 138-14. Exemptions from provisions.

The provisions of this article shall not apply to municipal employees who may be required to enter upon the beaches in the performance of their municipal duties or functions, nor to any governmental agency, its employees, agents, contractors and subcontractors, who may be engaged in beach restorations or protection work, under the authority of this City. However, such personnel shall, if at all possible, avoid doing any damage to sand dunes on the beaches.

§ 138-15. Violations and penalties; suspension or revocation of license or permit. [Amended 6-8-1984 by Ord. No. 868; 3-20-1991 by Ord. No. 1054; 5-21-2002 by Ord. No. 1411]

Any person violating any provision of this article shall, upon conviction, be punishable by a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both, or to revocation or suspension of his or her license or permit, with respect to any or all of his or her licensed registered motor vehicles or all-terrain vehicles, cycles and bikes, or to all or any of said penalties, within the sole discretion of the Municipal Judge. If the violation is caused by the operation of an all-terrain vehicle, cycle or bike not registered to the permit holder, the permit of the offending all-terrain vehicle, cycle or bike may also be suspended or revoked in the discretion of the Municipal Court Judge, upon notice by summons to the holder thereof. The Chief of Police shall have the authority, in his discretion, to suspend the permit, license or the right of the offender to use the beaches pending a hearing before the Municipal Court Judge upon charges made. No license or permit holder shall be permitted to obtain a new license or permit for any motor vehicle during the period of suspension; nor, upon revocation, shall the permit holder or license holder obtain a new permit or license for a period of one year after his or her conviction.

ARTICLE III Beach Stands [Adopted 3-4-2003 by Ord. No. 1432 Editor's Note: This ordinance repealed former Art. III, Beach Stands, adopted 10-21-1978 by Ord. No. 720, as amended.]

§ 138-16. Designation of areas available for beach stands.

A concession contract may be made available for the operation of beach stands for the rental of beach umbrellas, beach chairs, cabanas (approved by the Chief of the North Wildwood Beach Patrol) and floatation devices (approved by the Chief of the North Wildwood Beach Patrol). The areas of the beach, as defined by § 138-1, which may be made available for the operation of beach stands will be those areas of the beach which, pursuant to resolution adopted in accordance with § 138-31, Council designates as being subject to protection by the North Wildwood Beach Patrol.

§ 138-20. Motorized vehicle for supply of beach stands.

The beach stand operator may supply and stock his/her beach stands by using motorized vehicles. The motorized vehicle shall enter the beach under the control and direction of the Chief of the North Wildwood Beach Patrol who shall have complete control over and when and where these vehicles can be operated on the beach. When conditions permit, motorized vehicles may stop near the beach stands for the purpose of loading and unloading supplies for the beach stands only. They may not otherwise park and must leave the beach when the loading or unloading has been completed. No vending of any goods or services or of any nature whatsoever shall be conducted from these vehicles. The speed limit for motorized vehicles on the beach servicing beach stands shall be 15 miles per hour.

§ 138-21. Responsibility of operator for maintenance; maintenance security deposit.

- A. The beach stand operator shall be responsible for the policing (cleaning up) of his, her or its beach stand locations and the area within 25 feet thereof in all directions, on a daily basis. In addition thereto, the beach stand operator shall remove all beach stands from the beach between October 1 and May 15 of each year to permit the City to make its annual cleanup of the beaches prior to the summer season. Failure to keep a beach stand location clean and failure to remove the each stand as required shall be grounds for revocation and termination of the concession contract without liability on the part of the City and shall further be grounds for failure to award the offending operator with subsequent concession contracts for the operation of beach stands.
- B. When the operator signs and delivers his, her or its agreement to the City, he/she/it also shall supply a security deposit in the sum of \$500 to be used by the City for cleanup at the end of the season, including reasonable expenses for removing the operator's beach stands, in the event that the operator fails to do so by October 1 in each year of the contract.

Borough of Stone Harbor (E-code.com):

ARTICLE II Vehicles on Beaches [Adopted as Sec. 12-5 of the 1982 Revised General Ordinances]

§ 156-9. Placement or operation of vehicles regulated.

Except as hereinafter provided, it shall be unlawful to place or to operate an automobile, truck, motorcycle, minibike, or other vehicle on the beach within the Borough.

§ 156-10. Application for permit.

Any person desiring to operate a permitted vehicle on the beaches shall make application to the Borough Clerk of the Borough to do so. The applicant shall present the vehicle for inspection at the courtyard adjoining the Borough Hall at 95th Street and Second Avenue, or at such other location as may be determined, between the hours of 9:00 a.m. and 4:00 p.m. and shall furnish to the Police Department such person's name, address, and driver's license, together with the insurance card and registration number of the vehicle for which the permit is sought.

§ 156-11. Permitted vehicles; insurance.

Permits shall only be issued for vehicles which have passed inspection by the Division of Motor Vehicles of the State of New Jersey for the current year or by the equivalent department or agency of the state in which the vehicle is registered. Such vehicles must also be insured for liability, etc., in an amount which is at least the amount required by the State of New Jersey.

§ 156-12. Permit fee and application. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The fee for a permit shall be established by the Borough Council by resolution for the season, or any portion thereof, for which the application is made. Applications shall be accepted by the Clerk only between September 1 and September 30, inclusive. Payment in full shall accompany the applications.

§ 156-13. Display of permit.

Upon issuance of a permit, the permittee shall receive a descriptive decal which shall be prominently displayed upon the vehicle. The permit shall be carried on the vehicle at all times and made available for inspection to any member of the Police Department when the vehicle is on the beach, or when the vehicle is about to enter or has just exited from the beach. A copy of this article shall be carried in the vehicle during operations on the beach.

§ 156-14. Expiration date; renewal. [Amended 8-2-2005 by Ord. No. 1240]

Permits shall be issued for the season, which will run from October 1st through March 31st, inclusive, for the beach front from 122nd Street North and from the day after Labor Day to March 15th for the beach front and Point Area from 122nd Street South. Application for renewal shall be made in the same manner as an original application.

§ 156-15. Rules and regulations.

- A. No vehicles with sleeping or eating accommodations shall be issued a permit or operated on the beaches at any time.
- B. No vehicles shall be operated on the beaches of the Borough at a speed in excess of 15 miles per hour.
- C. Vehicles are prohibited from operation on the beaches between 111th and 114th Streets, inclusive.
- D. Permitted vehicles may enter the beach areas only for the purposes of fishing, and when the fishing is completed, they shall promptly be removed from the beach.
- E. No permit issued hereunder shall be construed to authorize the right to operate a vehicle over private property without the permission of the owner of such property.
- F. Permitted vehicles shall only operate upon the hard sand and shall not be operated more than 25 feet above the mean high water line of the Atlantic Ocean, except when entering or exiting the beach. Said vehicles shall not be operated over or upon the dunes or meadowland. Permitted vehicles may only be operated by the person to whom the permit has been issued, and the hours of operation shall be as follows:
 - (1) On the beaches south of 122nd Street: between the hours of 4:00 a.m. and 1:00 a.m., inclusive.

- (2) Upon the beaches north of 122nd Street: during the period one-half hour prior to sunrise until one-half hour past sunset only.
- G. All permitted vehicles shall only be usable for beach fishing and shall have four-wheel drive or shall otherwise be suitable for operation in the sand. The Police Department, in making the determination as to whether or not the vehicle is suitable for operation in the sand, shall consider the following factors: whether or not the vehicle has a truck-type chassis, the type of drive, i.e., front or rear, whether or not it has special tires, its power; and avoid permitting vehicles which are likely to become stuck in the sand from being operated on the beach.
- H. Access to the beaches shall be limited to the following locations:
- (1) The ramps at 85th Street, 96th Street, 102nd Street, 118th Street, 122nd Street, the ramp at the 123rd Street parking lot and the beach and the ramp in the southwesterly corner of the parking and turning around area adjacent to the 127th Street groin.
- I. Access to the beach from the ramp in the parking and turning area adjacent to the 127th Street groin shall be along the new access road running from the 123rd Street parking lot, west of the bulkhead. The old access road, having its entrance at 122nd Street and Second Avenue and proceeding west for approximately 150 feet before turning and heading to the beach, shall be closed to vehicular traffic with the exception of emergency vehicles and Borough vehicles on Borough business.
- J. The Mayor, or in his or her absence the Acting Mayor, shall have the right to close beaches to all but emergency vehicles, when the conditions on the beach are determined by said Mayor or Acting Mayor, in his or her sole discretion, to be dangerous for motor vehicles, or if the conditions are such that the motor vehicles may cause damage to the beach or the dunes or, if after consultation with state and/or federal regulators, such closure is determined by the Natural Resources Committee to be necessary for the protection of wildlife. **[Amended 8-2-2005 by Ord. No. 1240]**

§ 156-16. Adoption of additional rules and regulations. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

The Borough Council is authorized and empowered to adopt by resolution such other rules, regulations, and requirements as it may deem necessary for the proper control, operation, and removal of automobiles and other vehicles on the beaches, including a requirement that such vehicles shall contain equipment for the purpose as shall be specified in the resolution. Also, the power and authority to change by resolution the hours when authorized vehicles shall be permitted on the beach, and the place or places of entry to and exit from the beach. Permittees shall comply with all the rules, regulations, and requirements herein set forth and as shall subsequently be amended or adopted.

§ 156-17. Revocation of permit.

The Borough reserves the right to revoke any beach privileges granted under this article for any violations of its provisions, or of other rules and regulations, and to retake and impound any permit which has been improperly used or obtained. Such revocation shall not preclude the imposition of any other penalties provided for such violation.

§ 156-18. Exceptions.

The provisions of this article shall not apply to Borough employees who may be required to enter upon the beaches in the performance of their municipal duties or functions, nor to any governmental agency, its employees, agents, contractors and subcontractors, who may be engaged in beach restorations or protection work.

§ 156-19. Violations and penalties; suspension or revocation of permit. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Anyone violating a provision of this article shall, upon conviction thereof, be subject to a minimum fine of \$100 and the maximum penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code, and either suspension or revocation of the permit

City of Margate (E-code.com):

Chapter 75: BEACHES

[HISTORY: Adopted by the Board of Commissioners of the City of Margate City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 67.

Dogs — See Ch. 122.

Noise — See Ch. 192.

Obscenity — See Ch. 201.

Peace and good order — See Ch. 208.

Peddling and soliciting — See Ch. 212.

**ARTICLE I General Provisions [Adopted 7-22-1976 as Ch. 57 of the 1976 Code
Editor's Note: Chapter 57 of the 1976 Code was originally derived from Ord. No. 892,
adopted 1-24-1974, as amended.]**

§ 75-1. Paid beaches established.

Paid places of resort, beaches, bathing and recreational facilities are hereby established in the City of Margate City for the public health, recreation and entertainment. Such places shall be located at the oceanfront upon all lands in the City of Margate City fronting on the Atlantic Ocean.

§ 75-2. Fees and charges. [Amended 3-12-1981 by Ord. No. 1981-4; 3-27-1986 by Ord. No. 1986-3; 3-3-2005 by Ord. No. 2005-5]

In order to provide the necessary funds to improve, maintain and police the beaches, the following fees shall be charged for such facilities:

- A. No fees shall be charged to or collected from any person under the age of 12 years.
- B. Seven dollars per person per season, provided that application is made to the proper authorities on or before May 31 of the bathing season.
- C. Fifteen dollars per person in the event that application is made to the proper authorities subsequent to the 31st day of May of the bathing season.
- D. Ten dollars per person per week for any week or fractional part thereof of the bathing season. Weekly badges will be valid from 12:00 noon Friday until 12:00 noon of the following Friday.
- E. Three dollars and fifty cents for senior citizens 65 years and older per season purchased on or before May 31 of the bathing season.

§ 75-3. Badge required.

No person 12 years of age and over shall bathe at or otherwise use the beaches set forth in § 75-1 without having first acquired and then having in his or her possession a proper and effective badge, license or permit to use the beaches, which shall be worn conspicuously by such person during said use, so that it shall be visible at all times and shall be exhibited on demand to the Beach Inspector or other duly authorized representative of the City of Margate City.

§ 75-4. Bathing season; hours. [Amended 1-25-1988 by Ord. No. 1988-1]

The beaches established in § 75-1 shall be kept open and operated during the usual bathing season, the dates of which shall be established annually by the Board of Commissioners, and the hours of operation shall be from 10:00 a.m. to 6:00 p.m., prevailing time, except during inclement weather.

§ 75-5. Authority and power of Board of Commissioners.

The Board of Commissioners is hereby authorized and empowered to:

- A. Adopt by resolution, in addition to the rules and regulations herein enumerated, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and the waters adjacent thereto.
- B. Designate by resolution the protected bathing beaches where boats and lifeguards are to be provided by the City and from which beaches persons may bathe and swim and to change or abolish the precise location of any one or more bathing beaches from

time to time, as safety and attending circumstances shall require.

- C. Determine and establish by resolution the period during each year when each of the paid bathing beaches shall be opened and closed.
- D. Employ inspectors, lifeguards and such other employees as may be necessary to carry out and enforce the provisions of this article and all rules and regulations established herein or subsequently adopted by resolution.
- E. Purchase badges, checks or other insignia and such other supplies, materials and equipment as may be necessary.

§ 75-6. Rules and regulations.

The following rules and regulations are hereby established, and it shall be unlawful to violate any of said rules and regulations or those subsequently adopted by resolution during the bathing season or at other times if specifically provided:

- A. No person shall bathe or swim from the beachfront except from the designated bathing beaches where boats and lifeguards are provided nor bathe or swim beyond a safe depth in the ocean as from time to time indicated or regulated by the lifeguards.
- B. No person shall use a surfboard, boat, sailboat or raft of any kind or description except at locations designated by the lifeguards.
- C. No person shall engage in surf fishing in the bathing areas during bathing hours.
- D. All orders, directions, whistles or other signals used by the lifeguards and police shall immediately be obeyed.
- E. No person shall use said beaches for picnicking. The word "picnicking," as used herein, means the carrying of or otherwise transporting any box, basket, bag or tub or other receptacle in which there is contained food or beverage, or both, and the consumption of such food or beverages, or both.
- F. No person shall consume alcoholic beverages on the public beaches.
- G. No person shall change clothes, dress, undress or otherwise disrobe, except outer wraps.
- H. No person shall sleep on the public beaches during any time between sunset and sunrise.
- I. No person shall act in a loud, indecent, obscene or offensive manner.
- J. No person shall revel, disport or behave in a noisy and boisterous manner, emitting loud cries and other noises, so as to inconvenience others or otherwise disrupt and disturb the public peace and dignity within the beach areas defined.
- K. No person shall climb upon, stand on or tamper with or handle the lifeguard boats or other equipment used by the lifeguards.
- L. No person shall throw, bat or catch a baseball, football, basketball or softball or

engage in the playing of any games endangering the health or safety of others. This subsection shall not apply to the playing with a soft, inflated beach ball. This subsection shall also not apply to the playing of volleyball, provided that the courts are set up at the direction and with the approval of the Directors of the Beach.
[Amended 6-25-1981 by Ord. No. 1981-10; 7-12-1990 by Ord. No. 1990-13]

- M. No person shall throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed articles or things, paper, refuse or debris of any kind on the beaches.
- N. (Reserved) **Editor's Note: Former Subsection N, prohibiting hawking or peddling on public beaches or boardwalks, was repealed 7-13-2006 by Ord. No. 2006-21.**
- O. No person shall park vehicles, loiter, assemble, band or crowd together so as to interfere with or be likely to interfere with the ingress and egress of others at the street ends approaching the beaches.
- P. **No person shall drive or move any vehicle on the beach at any time during the entire year without a permit in writing issued by the Chief of Police.**
- Q. No dogs or other animals shall be permitted on the beachfront or the waters adjacent thereto or upon any public walk contained on the beachfront.
- R. The flying of a kite or kites of any size, shape or description, or the attempt to do so, or the propelling or causing the movement of any object through the air, whether manually, mechanically or electrically, is prohibited during the hours that the beach is made available for bathing.
- S. The starting or maintenance of a fire or fires on the beach at any time during the entire year is prohibited.

§ 75-7. Revocation of privileges and impoundment of badge.

The City of Margate City reserves the right to revoke any beach privileges granted under this article for any violations of its provisions or other rules and regulations and to retake and impound any beach identification badge or permit which has been improperly used or obtained. Such revocation shall not preclude the imposition of any other penalties provided for such violation.

§ 75-8. Violations and penalties. [Amended 1-25-1988 by Ord. No. 1988-1]

Any person violating any of the provisions of this article or any of the rules and regulations adopted hereunder shall, upon conviction thereof, be subject to a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or to both such fine and imprisonment.

ARTICLE II Beach Vending Licenses

§ 75-9. Definitions:

As used in this article, the following terms shall have the meanings indicated:

CITY — The City of Margate, Atlantic County, New Jersey.

PERMITTED PRODUCTS — Shall be strictly limited to water, packaged ice cream, ice cream, water ice and yogurt products, including Popsicles, fudgsicles, icesicles, ice cream cones, Dixie cups and related containers, ice cream sandwiches and related products. Except for water containers, no plastic, metal, or glass containers shall be sold or supplied.

REGULATIONS — Rules and regulations contained in this article and promulgated by resolution by the Commissioners of the City of Margate relating to beach vending. A schedule of products and maximum prices to be charged may be included in such rules and regulations.

SUMMER SEASON — The period from May 15 to October 15, inclusive. **[Amended 4-7-2005 by Ord. No. 2005-7]**

MARGATE BEACHES — Beaches fronting the Atlantic Ocean between Fredericksburg and Coolidge Avenues in the City of Margate.

PERSON — Shall exclusively mean individuals and excludes partnerships, corporations, business entities, LLC, LLP and other types of limited-liability companies or partnerships.

LICENSE — Beach vending license issued by the City of Margate pursuant to an adopted resolution establishing the number of licenses, method, terms and conditions of issuance.

§ 75-10. License required. [Amended 4-7-2005 by Ord. No. 2005-7]

No person shall vend on any Margate beach without a valid beach vending license.

§ 75-11. Requirements of licensee.

A licensee shall be 18 years of age or older on the date of application, shall submit a completed official form provided by the City and must pass the required background investigation. The official form shall include the applicant's name, permanent home address, name and address of employer, if any, a photograph of the applicant taken within six months immediately prior to the date of the application, two business references located in the County of Atlantic or, in lieu thereof, such other available evidence of the character and business responsibility of the applicant as to properly evaluate such character and responsibility, a statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance and the nature of the offense and the punishment or penalty assessed therefor, and the fingerprints of the applicant. The application may contain any other and further information as may be required by the Chief of Police of the City. A licensee must submit an indemnification

and hold harmless agreement in favor of the City of Margate. The applicant shall pay a processing and fingerprinting fee, no less than \$25 or more than \$100 as set by the Chief of Police.

§ 75-12. Revocation.

- A. Licensees shall submit a complete background application to the Chief of Police of the City of Margate, New Jersey.
- B. Beach vending licenses may be revoked or suspended for any of the following reasons:
 - (1) Disorderly conduct or conduct which is offensive, imposing or intimidating;
 - (2) Conduct demonstrating a state of moral turpitude;
 - (3) Making materially false statements in the application for the license;
 - (4) Violation of the beach vending regulations;
 - (5) Sales of products at a disapproved location;
 - (6) Sales of unapproved products;
 - (7) Sales in excess of maximum permitted prices;
 - (8) Disposing of debris or boxes in an unapproved manner;
 - (9) Using helpers and others to vend on the beach;
 - (10) Failure to display the vending license at all times, or failure to wear clean, tidy, predominantly white clothing, without commercial advertisement of any kind except for promoting products being offered for sale;
 - (11) Using loud bells, whistles, horns or other disturbing means of promoting sales. Verbal calling of available products shall be permitted;
 - (12) Transferring, lending or permitting others to use the license;
 - (13) Violating any provisions of this article or any rules and regulations promulgated hereunder.
- C. If requested, the licensee shall be afforded a hearing before a hearing officer appointed by the Mayor. A license may be temporarily suspended prior to a hearing for good cause.

§ 75-13. Minimum age of licensees.

Licensees must be at least 18 years old as of the date of application for the license.

§ 75-14. Expiration and renewal of license.

The City is under no obligation to adopt a resolution providing for the awarding and issuance of vending licenses. Licenses are not renewable, and shall automatically expire at the end of the summer.

§ 75-15. No property right.

No property right in a license accrues to a licensee.

§ 75-16. Regulations.

Beach vending regulations, including setting and amending from time to time the maximum prices to be charged for products, may be adopted by resolution of the Board of Commissioners of the City of Margate.

§ 75-17. Transfer prohibited.

A beach vending license may not be sold, assigned, loaned, pledged, leased, rented, subleased or in any other way alienated or otherwise transferred unless prior permission is granted by resolution of the Board of Commissioners of the City of Margate. The license shall not be subject to levy and execution or for the collection of any debt or obligation of the licensee.

§ 75-18. Compliance with zoning.

Licenses must at all times be in strict conformance with the Zoning Ordinance, **Editor's Note: See Ch. 170, Land Use, Art. V.** and without limitation of the generality of the foregoing, includes receiving, storing, delivering, and distributing water, ice cream, ice cream equipment, ice cream products and related materials, supplies, and equipment.

§ 75-19. Compliance with laws and regulations required.

Licenses shall comply with all federal, state and local laws pertaining to beach vending, including registration with the Atlantic County Department of Health. Licensees shall continually comply with all health rules and regulations. Licensees shall submit a physician's report certifying that no communicable or infectious disease is present which would render vending unsafe to the public. Licensees shall allow inspection by state, county and local officials of their products and equipment at any time for purposes of ensuring compliance.

§ 75-20. Indemnification; insurance.

The licensee shall indemnify and save the City of Margate free and harmless from and against any and all losses, suits, costs, damages, claim expense actions, liabilities or judgments whatsoever (including attorney's fees) because of accident or injury sustained or alleged to have been sustained by any party or parties, person or persons, property or properties occurring in conjunction with the operations under the license or by reason of

the use of defective items/services furnished or delivered under the beach vending license by or on account of any act of omission or commission of any licensee, her, his, its, or their agents or employees. The indemnification shall include any and all claims for royalties, patent infringements or suits for information thereon which may be involved in the manufacture, use, or sale of the items/services to be furnished. In the case of any action being brought against the City, the licensee shall immediately take charge of and defend same at her, his, its, or their own cost and expense. The City may, if it so desires, defend such action and charge the expense thereof to the licensee. The licensee is required to carry liability insurance in the minimum amount of \$1,000,000 covering and insuring the City as aforesaid. The licensee shall deliver to the City of Margate a certificate of insurance, with a thirty-day cancellation clause. An original or certified true copy of the insurance policy shall be delivered to the City Clerk.

§ 75-21. Violations and penalties.

Any person violating the terms of this article or any of the rules and regulations adopted hereunder, whether as principal, agent or employee of another, shall, in addition to suspension and/or revocation of the vending license, upon conviction thereof, be subject to a fine not exceeding \$500, or to imprisonment not exceeding 90 days, or to both.

Atlantic City (E-code.com):

ARTICLE III, Vehicular Usage Regulations [Adopted 9-10-1980 as Ord. No. 76-1980]

§ 92-13. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

BOARDWALK -- Any portion of the public park or public street structure used to provide access to the beach and adjoining lots, including all pedestrian or vehicular ramps, stairways or tunnels.

BOARDWALK TRAM -- Any electrical or motorized vehicle designed for amusement, primarily on the Boardwalk, but not strictly limited thereto, and as further defined by Chapter 98 of the Code of the City of Atlantic City. [Amended 6-3-1992 by Ord. No. 57-1992]

CONDITIONAL -- When used in weight classifications, a safely permitted load in excess of a normal design load that may be applied for short and temporary time periods.

EMERGENCY -- A situation where loss of life or property is imminent or imperiled.

GVW -- Gross vehicle weight.

UTILITY -- A company or public authority granted the authority to provide or serve public energy, communication, water or sanitation needs. "Utility" includes electric,

telephone, cable TV, gas, water and sewer operations.

VEHICLE -- Any wheeled, tracked or skidded device used to convey people or materials.

§ 92-14. Applicability.

The provisions of this article shall apply to all portions of the Boardwalk and its appurtenances within the corporate limits of the City of Atlantic City.

§ 92-15. Exceptions.

A. The provisions of this article shall not apply to the following vehicles:

- (1) Emergency vehicles owned and operated by the City of Atlantic City and on official City business in the course of an emergency.
- (2) Emergency vehicles owned and operated by a utility company or authority and on official utility business in the course of an emergency.
- (3) Bicycles.
- (4) (Reserved) ^{EN}
- (5) All vehicles used in parades, public events or special events, provided that permission is granted by the City for that event, and provided that a special events permit is secured under the terms of this Article. The weight limitations described under § 92-17 must be met by any vehicle used in these special events.

B. Due to the vital nature of the following vehicles in providing public services deemed necessary in preventing emergencies or in safeguarding the public health, safety and welfare, and since overweight vehicles may be required to perform these services, the following vehicles are granted limited exceptions to the weight limitation of § 92-17 of this article:

- (1) Maintenance, repair and service vehicles owned and operated by the City of Atlantic City and on official City business.
- (2) Maintenance, repair and service vehicles owned and operated by a utility company or authority and on official utility business.

C. City-owned maintenance, repair and service vehicles are excepted from the following requirements:

- (1) The deposit of \$50 required by § 92-17B.
- (2) The weight limitations of § 92-17D, provided that all reasonable measures are taken to reduce loads, use smaller vehicles or to spread the vehicle load.
- (3) The seasonal limitations of § 92-17E.

(4) The permit fees of § 92-18.

D. Utility-owned maintenance, repair and service vehicles are excepted from the following requirements:

- (1) The weight limitations of § 92-17D, provided that all reasonable measures are taken to reduce loads, use smaller vehicles or to spread the vehicle load.
- (2) The seasonal limitations of § 92-17E.

E. [Added 6-3-1992 by Ord. No. 57-1992] Boardwalk trams are excepted from the following requirements:

- (1) The deposit of \$50 required by § 92-17B.
- (2) The seasonal limitations of § 92-17E.
- (3) The prohibition regarding fleet permits and transfer of permits of § 92-17I.
- (4) The permit fees of § 92-18.
- (5) The insurance requirements of § 92-22 to the extent that they impose coverage requirements less than those required by contract pursuant to § 98-4S of the Code of the City of Atlantic City.

F. Vehicles are permitted to access the beach at areas designated by the City Engineer to participate in the annual Stripe Bass Derby. [Added 9-21-2005 by Ord. No. 75-2005]

- (1) The access to the beach shall be on the areas designated by the City Engineer.
- (2) Permit process shall be through an application to the City Engineer as specifically set forth in § 92-17.
- (3) The permit granted for purposes of participating in the annual Stripe Bass Derby shall be temporary as set forth in § 92-17.
- (4) The provisions of § 92-17E shall correspond with the forms needed by the City Engineer's office which shall also coincide with the dates and times set forth by the annual Stripe Bass Tournament.
- (5) The class permit issued for the purposes of this tournament shall be as set forth in § 97-17C(2).

§ 92-16. Permit required.

On or after the effective date of this Article, it shall be unlawful to operate a vehicle on the Boardwalk or on any of its appurtenances, except as provided in § 92-15, without

first applying for and receiving a Boardwalk vehicular permit from the City Engineer. The City Engineer may require information relating to the intended use, alternatives to using the Boardwalk vehicle weights and configuration, engineering strength analysis, temporary shoring plans and similar information to accompany the application.

§ 92-17. Permit administration.

A. Need for Boardwalk access.

(1) Prior to being issued a Boardwalk vehicular permit, the applicant must show that Boardwalk access is either of an emergency nature or that no other transport mode and route is available to the applicant. Convenience of access via the Boardwalk will be considered insufficient reason for issuing a permit. The applicant must also show that vehicular access is both necessary for accomplishing a given task and that vehicular access is in the best interests of the city.

(2) Heavy truck loads must be broken down to the lightest load possible, and the applicant must use the lightest vehicle possible. Loads and deliveries must be broken down to hand truck loads unless shown to be impractical.

B. Permit application.

(1) Application for a Boardwalk vehicular permit shall be made on the forms provided by the City Engineer's office and shall be filed with the City Engineer at least one week prior to using the Boardwalk. The applicant may be required to attend a brief interview to explain the need to use the Boardwalk.

(2) Application for temporary permits shall be accompanied by a refundable check for \$50 made payable to the City of Atlantic City, which shall be refunded when the applicant returns the temporary permit. Annual permits must be returned prior to receiving a renewal.

C. Class of Permits. Boardwalk vehicular permits will be divided into the following classes:

(1) Annual permit, issued to those applicants requiring repetitive or year-round access to the Boardwalk.

(2) Temporary permit, issued to those applicants requiring Boardwalk access ranging from one trip to a seasonal need.

(3) Special events permit, issued to those applicants having permission from the City to conduct a special event on the Boardwalk. No fee is charged for a special events permit.

D. Weight limitations.

(1) The following weight classifications are established to provide for both vehicular and pedestrian safety and to identify overweight vehicles that may safely

use the Boardwalk but will cause greater wear and tear of structural members and fastenings:

Weight Classification	Maximum GVW	Typical Vehicle
Normal		
4 wheel vehicle pickup and light van	6,600 pounds	Auto, light
Dual rear wheel Construction vehicle	5,400 pounds	
Rubber tired	5,000 pounds	
Tracked	200 pounds	
	per square foot	
Conditional		
4 wheel vehicle	8,800 pounds	3/4-ton pickup, van,
	4-wheel drive light stake truck	
Dual rear wheel Construction vehicle	7,200 pounds	
Rubber tired	6,600 pounds	
Tracked	250 pounds	
	per square foot	

(2) The above weight limitations may be increased by using planking on the Boardwalk surface. If used, the planking must be a minimum of 27 inches thick. Any proposed increase of weight limitations must be accompanied by an individual structural analysis and forwarded to the City Engineer for review and approval.

(3) All other vehicles with gross vehicle weights or wheel loads in excess of the weight classification herein are prohibited from using the Boardwalk except as provided in § 92-15 or 92-21 of this Article.

(4) Heavy construction vehicles with weights exceeding the weight classifications herein may be permitted to cross the Boardwalk at the sites of heavy-duty access ramps, provided that:

(a) Their gross weight and wheel loadings do not exceed the maximum set for the heavy-duty ramp in question.

(b) A valid permit is secured under this Article.

(5) Vehicular traffic across the Boardwalk to The Pier at Ceasars via the Arkansas Avenue on-ramp shall have a maximum gross vehicle weight of 15,000

pounds. [Added 7-20-1994 by Ord. No. 49-1994; amended 12-28-2004 by Ord. No. 143-2004]

E. Seasonal limitations. From April 1 to September 30, all vehicles using the Boardwalk for other than emergency operations shall limit their operations to the hours from dawn to 10:00 a.m. and shall conduct no weekend operations, except that any vehicles requiring Boardwalk access for construction rather than maintenance may be granted a permit to remain on the Boardwalk for any hours deemed necessary in the discretion of the City Engineer. For any such construction vehicles permitted access to the Boardwalk after 10:00 a.m., the City Engineer shall require that adequate barricades and signage are utilized to separate the vehicles and their related equipment from the public. [Amended 6-1-2005 by Ord. No. 42-2005]

F. Renewal of permits.

(1) Annual permits may be renewed each year, and the renewal deadline shall be December 31.

(2) Temporary permits shall expire on the date noted on the permit and must then be renewed to keep the permit in effect.

G. Display of permit. The Boardwalk vehicular permit must be carried in the vehicle and must be displayed in the left-hand side of the front windshield so that it is clearly visible and readable from outside the vehicle.

H. Suspension or revocation of permit.

(1) The City Engineer may suspend or revoke any permit issued under this Article if the permit holder has:

(a) Violated any provision of this Article.

(b) Operated a vehicle on the Boardwalk not in compliance with conditions listed on the vehicle's permit.

(c) Operated a vehicle with a total load or wheel load in excess of the class limitations allowed by this Article.

(d) Parked a vehicle on the Boardwalk or operated a vehicle on a portion of the Boardwalk not indicated on the application.

(e) Failed to repair the Boardwalk in compliance with the construction standards on file in the City Engineer's office.

(f) Made any misstatement on the application for a Boardwalk vehicle permit.

(2) If a permit is revoked or suspended, the City Engineer shall notify the permit holder by certified mail that his or her permit has been suspended or revoked. Specific reasons for the suspension or revocation shall be made known to the permit holder as well as the period of suspension or revocation. The permit holder may appeal the City Engineer's decision to the Director of Public Works by filing a written notice of appeal with the Director of Public Works within 10 days of the receipt of the decision of the City Engineer.

(3) Any person whose permit is revoked may apply for a new permit after a period of one year from the date of revocation.

I. Fleet permits and transfer of permits. [Amended 3-31-1993 by Ord. No. 27-1993]

(1) Vehicles which require access over the Boardwalk to locations south of the Boardwalk, including piers, may be issued fleet permits issued in the name of the

applicant and identifying covered vehicles by model year, manufacturer's name, vehicle identification number and registration number (tag number). Such permit or permits shall be transferable among vehicles so identified in the application. Said permits allow access across the Boardwalk only, and vehicular travel on the Boardwalk otherwise is prohibited. Said permits are otherwise subject to all terms and conditions of this Article.

- (2) Except as described in Subsection I(1):
 - (a) No fleet permits shall be issued;
 - (b) Each vehicle requiring access to the Boardwalk must secure an individual Boardwalk permit; and
- (3) Permits are not transferable to any other vehicle.

J. Vehicle indemnification. Prior to securing a Boardwalk vehicular permit for vehicles under the provisions of this Article, the applicant shall provide a hold harmless agreement and shall indemnify and defend the City from any and all liabilities or claims arising from any incident involving operations of said vehicles.

§ 92-18. Fees.

A. The following fee schedule shall apply to all permits issued under this Article, with the exception of vehicles owned and operated by the City of Atlantic City:

	Permit Time Period				
Weight Classification	Up to 1 Month	1 to 3 Months	3 to 6 Months	6 Months to 1 Year	
Normal	\$25.00	\$ 50.00	\$ 75.00	\$100.00	
Conditional	50.00	75.00	125.00	175.00	
Construction	75.00	125.00	175.00	250.00	

B. The above time periods are for fee computation purposes only. The time period allowed on the permit shall govern vehicular operations on the Boardwalk.

C. Utility companies and authorities that are subject to a gross receipt franchise tax, or similar purpose tax, are excepted from the permit fee requirements

§ 92-19. Permitted vehicular operation.

Vehicular access to the Boardwalk shall be issued for maintenance repairs, loading and unloading purposes or for access to private parking areas. Vehicles receiving permits under this Article shall not utilize any portion of the Boardwalk for parking their vehicles.

§ 92-20. Boardwalk damage.

With the exception of normal wear and tear, such as the wearing of decking and the loosening of fasteners, the owner of any vehicle operated on the Boardwalk, whether that vehicle has a valid permit or not, is responsible for all damages done to any part of the Boardwalk structure or to its appurtenances. Upon due notice being given to the owner and at its option, the City may ask the vehicle owner to repair all damages in accordance with the boardwalk construction standards on file in the City Engineer's office, or the City may prefer to make the necessary repairs and charge the vehicle owner for all labor

and materials at the prevailing rates.

§ 92-21. Emergency operations.

Nothing in this article shall prevent emergency vehicles from entering upon the Boardwalk where loss of life or property is imminent or imperiled. During these emergency operations, the otherwise unauthorized vehicles may enter upon the Boardwalk at their own risk and shall be liable for all damages or claims as a result of their operation.

§ 92-22. Insurance.

A. All individuals and companies acquiring a Boardwalk vehicular permit are required to be covered by a policy or policies of liability insurance covering these individuals and companies, including their agents and employees. The following coverages are the minimal liability limits permitted under this section:

Amount of Coverage
Liability (per occurrence)

General liability

Bodily injury (per person) \$100,000.00
Bodily injury (aggregate) 300,000.00
Property damage 50,000.00

Automobile liability

Bodily injury (per person) 100,000.00
Bodily injury (aggregate) 300,000.00

Property damage 50,000.00

B. A certificate of insurance confirming the above liability coverages shall be submitted to the City Engineer prior to the issuance of a Boardwalk vehicular permit.

§ 92-23. Violations and penalties. [Amended 6-3-1992 by Ord. No. 57-1992]

A. Any person violating any provisions of this article shall, upon conviction in the Municipal Court of the City of Atlantic City, be punished for a first offense by a fine in the amount of \$100; for a second offense by a fine in the amount of \$250 and the imposition of a period of community service in the discretion of the Court; and for a third and subsequent offenses, a fine in the amount of \$500 and the imposition of a period of community service or imprisonment not to exceed 90 days in the county jail in the discretion of the Court. The Municipal Judge before whom any person is convicted of a violation of this article shall have the power to impose any fine or term of imprisonment, or both not exceeding the maximum of this article.

B. Nothing in this section shall be construed to relieve an offender from his obligation to repair any damage to the Boardwalk in accordance with the provisions of this article.

Ocean City:

Per conversation with Ocean City Police Dept (permit regulators; 609-399-6111), permits are currently 5-10 years out. People receive permits per a priority list (highest to lowest priority: Property owners, residents, non-residents). Certain areas of the beach are restricted. Beach driving is only allowed from September 15th to May 15th.

Brigantine (E-code.com):

ARTICLE IV Use of Beaches [Adopted 1-7-1976 by Ord. No. 22-1975]

§ 105-14. Paid beaches established. [Amended 5-17-1978 by Ord. No. 8-1978; 2-16-1994 by Ord. No. 4-1994]

- A. Paid places of resort, beaches, bathing and recreational facilities are hereby established in the City of Brigantine for the public health, recreation and entertainment.
- B. Such places shall be located at the oceanfront upon all lands in the City of Brigantine fronting on the Atlantic Ocean, and the Bayfront Municipal swimming area on Lots 8 and 9 in Block 236 and Lot 1 in Block 237.

§ 105-15. Fees. [Amended 4-18-1980 by Ord. No. 10-1980; 12-17-1980 by Ord. No. 26-1980; 9-7-1983 by Ord. No. 15-1983; 3-20-1984 by Ord. No. 7-1984; 12-16-1987 by Ord. No. 21-1987; 2-5-1992 by Ord. No. 2-1992]

- A. In order to provide the necessary funds to improve, maintain and police the beaches, the following fees shall be charged for such facilities: **[Amended 5-20-1992 by Ord. No. 13-1992; 12-28-1992 by Ord. No. 28-1992; 4-21-1993 by Ord. No. 10-1993]**
 - (1) A fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fees Schedule, shall be charged per person, per season, provided that application is made to the proper authorities before June 1 of each year, except that persons who are at least 60 years of age but are less than 65 years of age may obtain a senior citizens badge for the fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fees Schedule, provided that application is made before June 1 of each year.
 - (2) A fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fees Schedule, shall be charged per person, per season, in the event that application is made to the proper authorities on or subsequent to June 1 of each year.
 - (3) A fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fees Schedule, shall be charged per person for any week or fractional part thereof. Weekly badges shall be valid from 10:00 a.m. Saturday until 5:30 p.m. of the following Friday.
 - (4) A fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fees Schedule shall be charged per person for any day or fractional part thereof. Said

daily badges shall be valid from 10:00 a.m. until 5:30 p.m. for each day for which they are purchased. No daily badge purchased for one day shall be valid for any reason for any subsequent day.

- (5) No fee shall be charged for the use of beaches in the City of Brigantine to persons 65 or more years of age or to persons who meet the disability criteria for disability benefits under Title II of the Federal Social Security Act.
- (6) A valid state driver's license or other proof as determined sufficient by the City of Brigantine must be provided by those individuals who are applying to receive either a reduced fee beach badge for being at least 60 years of age but less than 65 years of age or those persons attempting to receive a waiver of the beach fee charge because they are 65 or more years of age.
- (7) Persons who meet the disability criteria for disability benefits under Title II of the Federal Social Security Act shall only receive a waiver of the beach fee charge if they provide to the City of Brigantine an award letter from the Federal Social Security Administration indicating they have met the disability criteria for disability benefits pursuant to the Federal Social Security Act.
- (8) The color and type of beach badges to be issued pursuant to this section of the Code of the City of Brigantine shall be as determined by the City Manager of the City of Brigantine.

B. No fee shall be charged to or collected from any person under the age of 12 years.

§ 105-16. Badge, license or permit required; display.

No person 12 years of age and over shall bathe at or otherwise use the beaches set forth in § 105-14 without having first acquired and then having in his or her possession a proper and effective badge, license or permit to use the beaches, which shall be worn conspicuously by such person during said use, so that it shall be visible at all times and shall be exhibited on demand to the Beach Inspector or other duly authorized representative of the City of Brigantine.

§ 105-17. Hours of operation. [Amended 5-13-1977 by Ord. No. 10-1977; 6-15-1983 by Ord. No. 12-1983]

- A. The hours of operation shall be from 10:00 a.m. to 5:30 p.m., prevailing time, except during inclement weather.
- B. The Board of Commissioners or the Captain of the Beach Patrol may, from time to time, alter the hours of operation of the beaches and provide for the closure or opening of beaches at other times, in the event of circumstances dictating such need. Permanent changes of hours of operation and provision of Beach Patrol services shall be approved by ordinance of the City of Brigantine. **[Added 5-7-1986 by Ord. No. 11-1986]**

§ 105-18. Powers of Board of Commissioners.

The Board of Commissioners is hereby authorized and empowered to:

- A. Adopt, by resolution, in addition to the rules and regulations herein enumerated, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and the waters adjacent thereto.
- B. Designate, by resolution, the protected bathing beaches where boats and lifeguards are to be provided by the City of Brigantine and from which beaches persons may bathe and swim, and to change or abolish the precise location of any one or more bathing beaches from time to time, as safety and attending circumstances shall require.
- C. Determine and establish, by resolution, the period during each year when each of the paid bathing beaches shall be opened and closed.
- D. Employ inspectors, lifeguards and such other employees as may be necessary to carry out and enforce the provisions of this article and all rules and regulations established herein or subsequently adopted by resolution.
- E. Purchase badges, checks or other insignia and such other supplies, materials and equipment as may be necessary.

§ 105-19. Rules and regulations for use of beaches.

- A. The following rules and regulations are hereby established, and it shall be unlawful to violate any of said rules and regulations or those subsequently adopted resolutions, during the bathing season or at other times if specifically provided for:
 - (1) To bathe or swim from the beachfront except from the designated bathing beaches where boats and lifeguards are provided or to bathe or swim beyond a safe depth in the ocean as from time to time indicated or regulated by the lifeguards, shall be prohibited.
 - (2) To use any type of boat, including rowboats, surfboats, sailboats, catamarans, jet ski boats or any other type of powered or unpowered boat, or to use any surfboat, windsurfer board or floating device, except in the areas or in the manner approved by this article, resolutions containing regulations for beach use or the direction of the members of the Beach Patrol, shall be prohibited. The Board of Commissioners may establish certain approved beaches where designated types of boats, etc., are permitted to be used. Designation of such areas shall be on official signs or markers supplied by the City of Brigantine. **[Amended 5-7-1986 by Ord. No. 11-1986]**
 - (3) To engage in surf fishing in the bathing areas.
 - (4) The members of the Beach Patrol of the City of Brigantine, commonly called the "lifeguards," are deemed to have the police power of the City of Brigantine when engaged in enforcement of the rules and regulations established by this

article and by the City of Brigantine for the use of the beaches. Persons using the beach shall immediately obey the directions, signals or orders of the Beach Patrol. **[Amended 5-7-1986 by Ord. No. 11-1986]**

- (5) To use said beaches for picnicking shall be prohibited. The word "picnicking," as used herein, means the carrying of or otherwise transporting any box, basket, bag or tub or other receptacle in which there is contained food or beverage, or both, and the consumption of such food or beverages, or both.
- (6) To consume alcoholic beverages on the public beaches shall be prohibited.
- (7) To change clothes, dress, undress or otherwise disrobe, except outer wraps, shall be prohibited.
- (8) To sleep on the public beaches during any time between sunset and sunrise shall be prohibited.
- (9) To act in a loud, indecent, obscene or offensive manner shall be prohibited.
- (10) To revel, disport or behave in a noisy and boisterous manner, emitting loud cries and other noises, so as to inconvenience others or otherwise disrupt and disturb the public peace and dignity within the beach areas defined shall be prohibited.
- (11) To climb upon, stand on or tamper with or handle the lifeguard boats or other equipment used by the lifeguards shall be prohibited.
- (12) To throw, bat or catch a baseball, football, basketball, softball or engage in the playing of any games, endangering the health and safety of others, shall be prohibited. This subsection shall not apply to the playing of beach tennis or reasonable playing of catch with a soft rubber or beach ball. The Beach Patrol may designate and mark certain areas of the beach where such activities are permitted. **[Amended 5-7-1986 by Ord. No. 11-1986]**
- (13) To throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed articles or things, paper, refuse or debris of any kind on the beaches shall be prohibited.
- (14) To hawk or peddle, sell or offer for sale any article, goods, wares or merchandise on the public beaches shall be prohibited.
- (15) To park vehicles, loiter, assemble, band or crowd together, so as to interfere, or be likely to interfere, with the ingress and egress of others at the street ends approaching the beaches shall be prohibited.
- (16) To drive or move any vehicle on the beach at any time during the entire year without a permit in writing issued by the Chief of Police shall be prohibited.
- (17) No dogs or animals shall be permitted on the beachfront or the waters adjacent thereto or upon any public walk contained on the beachfront, except as otherwise provided. (See Article I, Dogs on Beaches, of this chapter and Chapter 153, Dogs and Other Animals.)
- (18) The flying of a kite or kites of any size, shape or description, or the attempt to

do so, or the propelling or causing of movement of any object through the air, whether manually, mechanically or electrically, is prohibited during the hours that the beach is made available for bathing. The Beach Patrol may designate and mark certain areas of the beach where such activities are permitted.

[Amended 5-7-1986 by Ord. No. 11-1986]

- (19) The starting or maintenance of a fire or fires on the beach at any time during the entire year is prohibited.
- (20) To sell, exchange or transfer, or offer to sell, exchange or transfer, any beach badge for money or any other consideration of value shall be prohibited.
[Added 6-16-1976 by Ord. No. 8-1976]
- (21) The Beach Patrol may, in its discretion, remove any device or material from the beach which it deems to be a danger to the public safety or not maintained in accordance with the provisions of this article. In the case of removal of vehicles, boats or other large items of personal property, the Beach Patrol shall store such items at the City yard and charge an appropriate storage fee therefor. In the event that such property is not removed by the owners within a reasonable period of time, it shall be disposed in accordance with the laws of this state concerning abandoned property. **[Added 5-7-1986 by Ord. No. 11-1986]**
- (22) Walking, fishing or doing any activity on the rock jetties, except for the South End Jetty at Absecon Inlet, is prohibited. **[Added 5-7-1986 by Ord. No. 11-1986]**
- (23) Damaging, injuring or altering the beach and dune sand structures on or adjacent to the beach is prohibited, and the Beach Patrol is empowered to order any person or entity engaged in activity which endangers the beach and dune system to stop such activity. **[Added 5-7-1986 by Ord. No. 11-1986]**

B. Rules and regulations for use of the seawall/promenade. The following rules and regulations are hereby established, and it shall be unlawful to violate any of said rules and regulations at any time within the City of Brigantine. The following activities are specifically prohibited on the seawall/promenade of the City of Brigantine: **[Added 9-20-2000 by Ord. No. 19-2000]**

- (1) The use or operation of any bicycle, unicycle, moped, goped, scooter, skateboard, roller skate or roller blade or any other mechanical item or vehicle used for transportation whether powered by motor or otherwise. However, nothing herein shall be interpreted so as to prohibit any wheelchairs motorized or otherwise, or other similar device used to assist any individual with a physical disability.
- (2) Fishing, casting, crabbing or other activities of similar nature.
- (3) The consumption of alcoholic beverages.
- (4) The walking of any dog, cat or other pet or animal of any kind.
- (5) Undressing or disrobing in any manner.

- (6) Sleeping.
- (7) Picnicking or specifically transporting and using any cooler, box, basket, bag or tub which contains food, beverage or both and the consumption of such food, beverage or both therefrom.
- (8) The throwing of any ball, frisbee or other such items designed for a game or sporting activity or the flying of any kite.
- (9) The placement of any glass, bottle, trash or debris of any kind.
- (10) The hawking or peddling or sale of any goods, articles, wares or other merchandise.

§ 105-20. "Sailboat" defined; regulations. [Added 5-7-1986 by Ord. No. 11-1986]

Sailboats, as defined by this article, are permitted on certain portions of the Brigantine beaches in accordance with the terms and conditions of this article. "Sailboats" are defined as vessels or watercraft which utilize sails as their mode of power, other than Windsurfer or sailboard devices. Specifically excluded from this definition is any vessel having mechanical or combustion-type motors, either permanent or temporary. The owner or operator of any sailboat sought to be used on the Brigantine beaches must comply with the terms and conditions of this article.

§ 105-21. Permits for sailboats; compliance with state requirements; liability. [Added 5-7-1986 by Ord. No. 11-1986]

- A. Every sailboat used on the Brigantine beaches must have a permit of the type issued by the City of Brigantine. No more than 40 such permits shall be issued in any one year. Permits shall be for a period not to exceed one calendar year, expiring each year on April 30 of the subsequent year.
- B. In addition to the permit required by the City of Brigantine, all sailboats must comply with regulations of the State of New Jersey concerning licensing of vessels and watercraft.
- C. The permit fee shall be as set forth in Chapter 210, Mercantile Businesses, Article II, Fees Schedule, and shall be submitted to the City Clerk of the City of Brigantine, along with such application information and material as is required by the Clerk.
[Amended 12-28-1992 by Ord. No. 28-1992]
- D. In addition to the fee and the application, each sailboat owner or operator acting on behalf of the owner shall be obligated to provide evidence of general liability insurance, including coverage for bodily injury, in the amount of at least \$500,000 per occurrence and to agree to hold the City of Brigantine harmless for all claims arising out of the operation of the sailboat on the beaches of the City of Brigantine.
[Amended 5-5-1993 by Ord. No. 14-1993]

§ 105-22. Rules and regulations for use of sailboats. [Added 5-7-1986 by Ord. No. 11-1986]

The following rules and regulations shall be observed concerning the use of sailboats on the beaches of the City of Brigantine:

- A. Permit numbers and decals shall be permanently affixed to the sailboat.
- B. Permits are not transferable.
- C. Sailboats shall not exceed 18 feet in length.
- D. Sailboats shall not be operated on other than the designated beaches. Beaches will be designated on an annual basis by the Board of Commissioners of the City.
- E. Dolly wheels, if used, will not be stored at water's edge, but must be kept a safe distance therefrom or in an area to be designated by the Beach Patrol.
- F. Trailers may not be stored on the beach nor in street ends adjacent to beach access.
- G. The Beach Patrol retains the right to control the use of any sailboat in the interest of public safety. Boats may not be operated in the vicinity of bathers. Failure to follow the orders of the Beach Patrol is a violation of this article.
- H. Boats will be equipped with righting lines, Coast-Guard-approved lifesaving gear and proper rigging. No rigging which creates noise or hazard of dragging or catching bathers will be permitted.
- I. The Beach Patrol may order the removal of any sailboat not complying with these regulations or one being used in such a manner as to violate these regulations.
- J. Sailing beaches may be closed by order of the Captain of the Beach Patrol.

§ 105-23. Revocation of beach privileges.

The City of Brigantine reserves the right to revoke any beach privileges granted under this article for any violations of its provisions, or other rules and regulations, and to retake and impound any beach identification badge or permit which has been improperly used or obtained. Such revocation shall not preclude the imposition of any other penalties provided for such violation.

**§ 105-24. Use of sailboats on north end. [Added 6-18-1997 by Ord. No. 11-1997
Editor's Note: Pursuant to this ordinance, former § 105-24, Violations and penalties, was redesignated as § 105-24.1.]**

- A. Beach defined. For the purpose of this article, the beach area where all activities set forth pursuant herein shall be permitted shall be the total area which runs in an east to west direction from the dune line down to the waterline and in a north and south direction from the entrance and exit point for four-wheel-drive vehicles onto the beach to the northern most point of the Brigantine Seawall/Promenade.

- B. Permit required. Each sailboat transported onto the beach for launching therefrom must acquire a permit from the City of Brigantine.
- C. Permit fee. The fee for said permit shall be a fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fee Schedule. Permits shall be issued each year in the same manner and at the same time as permits for four-wheel vehicles.
- D. Application for permit. Each application for a permit shall include a description of the boat with registration number and the name, address and telephone number of the owner of the sailboat and shall have attached thereto proof of a paid liability insurance policy covering said boat in an amount required by this article. All applications shall contain a provision indemnifying and holding the City of Brigantine, its agents, officers and employees harmless regarding any property, damage, personal injury or loss of life regarding use of said sailboat. False information listed on said application may result in the revocation of any permit issued pursuant to said application.
- E. Display of permit. Upon applying and being approved for a permit, each owner will be issued a numbered permit capable of being placed on said sailboat. Said permit shall be placed and kept in a clearly visible area on said sailboat.
- F. Insurance. Each sailboat owner, in order to receive a permit pursuant to this article, shall show proof of paid liability insurance covering the time period for which the permit will be valid in the amount of \$5,000. The City of Brigantine shall be named as an additional insured on all such insurance policies.
- G. Storage. No sailboat(s) may be left on said beach overnight and must be removed by the owner and/or operator thereof each night.
- H. Four-wheel-drive vehicles. Any four wheel drive vehicle used to transport sailboats or other equipment to the beach will be required to obtain a four-wheel-drive permit necessary for use of said vehicles on said beach. Only four-wheel-drive vehicles shall be used to transport said vehicle.
- I. Rules and regulations. The City Council of the City of Brigantine specifically by this article allows the City Manager to establish any additional rules and regulations for the use of such beach.
- J. Liability. If any provision of this article is violated, either the owner of the sailboat or the individual operating or in possession of the sailboat at the time of violation, or both, may be held liable.

§ 105-24.1. Violations and penalties. [Amended 6-18-1997 by Ord. No. 11-1997]

Any individual found guilty of a violation of this article shall be subject to a fine of up to \$1,000, jail time up to 90 days and/or community service up to 90 days, as determined by the Municipal Court Judge. In addition, the Municipal Court Judge may revoke the owner's privilege to use or receive a sailboat permit for a period of up to one year from the date said individual is found guilty of any such violation.

ARTICLE V Automobiles and Other Vehicles [Adopted 11-3-1982 by Ord. No. 29-1982; amended in its entirety 2-16-1994 by Ord. No. 4-1994]

§ 105-25. Permit required.

Except as herein provided, it shall be unlawful to operate an automobile, truck, motorcycle or any other vehicle on the beaches within the City of Brigantine without the permits provided for in this article or in violation of any provision of this article.

§ 105-26. Types of permits; application requirements.

- A. Individual permits. Any person desiring to operate a permitted vehicle on said beaches shall make an application to the City of Brigantine for a permit to do so and shall present the vehicle for inspection on request at the Brigantine Fire House, 1417 West Brigantine Avenue, Brigantine, New Jersey, or such other location as may be designated during normal City Hall working hours and shall furnish the Department with the name, address, driver's license, vehicle registration and type of vehicle for which said permit is sought and an insurance identification card for the vehicle to be permitted.
- B. Group or special event permits. On application to the governing body of the City of Brigantine, special event or group permits may be issued to civil, social, environmental and recreational groups. The application shall be on a form approved by the governing body and shall list thereon the name, address, driver's license number, vehicle registration number and type of vehicle for which said group or special event permit is sought and the reason for the operation of the vehicle or vehicles upon the beaches. The application shall further contain the certification of the responsible or applying individuals that the vehicles sought to be the subject of the special event permit comply in all respects with the requirements of § 105-19A and that the operators of said vehicles have been briefed on and have committed themselves to, by the issuance of the special event permit, the operation of their vehicles in accordance with all the terms of this article. In its discretion, the governing body of the City of Brigantine may require the payment of a fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fees Schedule, to be paid upon issuance of the special event permit and may also require the reimbursement to the City of such additional police, fire and public safety personnel as may be required to supervise and assist the persons so engaged in the special event.
- C. Each applicant shall provide such information as is required to process the application, on a form provided by the City of Brigantine. At the time of initiating the application, the owner of the vehicle must apply, and each applicant shall agree to hold the City of Brigantine harmless and to indemnify and defend the City of Brigantine for all claims, losses, expenses, damages, suits or any other costs incurred by the City of Brigantine arising out of the operation by the applicant of any vehicle over the beach areas of the City of Brigantine. Failure to provide this agreement shall prevent the issuance of any permit. Applicants shall also provide the City of Brigantine with a copy of proof of insurance, insuring the applicant for liability

incurred while and during the operation of any vehicle subject to the permit. Copies of the hold-harmless and indemnity agreement, along with a copy of the applicant's insurance certificate, shall be kept with the applicant's application through the entire year in which the permit is effective.

§ 105-27. Permit requirements.

- A. Permits shall only be issued for vehicles having a four-wheel drive and which shall have passed inspection by the Division of Motor Vehicles of the State of New Jersey or by the equivalent department or agency of the state in which said vehicle is licensed. Such vehicles may have sleeping, eating and self-contained toilet facilities as structural components of the vehicle and must also be equipped with the following:
 - (1) A first aid kit.
 - (2) A shovel.
 - (3) A tow chain or equivalent.
 - (4) Road flares.
 - (5) A Coast-Guard or I.C.C. approved fire extinguisher.
 - (6) A jack with a large support board (minimum 12 inches by 12 inches).
 - (7) A flashlight.
 - (8) A spare tire.
- B. A permit issued hereunder shall be valid only for one registered vehicle as described in the application for said permit. The permit is not transferable. It shall be unlawful to operate a vehicle with a permit intended for another.
- C. All permits issued under this article shall be on or in the vehicle so as to be plainly visible for inspection by authorized persons.
- D. All permits are the property of the City of Brigantine and are subject to suspension, forfeiture or revocation.

§ 105-28. Operation of vehicles.

No vehicle shall be operated on the beaches of the City at a speed in excess of 15 miles per hour. No person shall operate a vehicle carelessly or without due caution or circumspection so as to endanger, or be likely to endanger, a person or property.

§ 105-29. Hours of vehicle operation; prohibited activities.

- A. No vehicle shall be operated on the beach between the hours of 7:00 p.m. (or sunset, where it occurs earlier) and 7:00 a.m. (or sunrise, where it occurs later), except in such areas which are designated for twenty-four-hour operation.
- B. No vehicle may be driven onto dunes or structures or devices erected for the purpose

of protecting dunes or erected for the purpose of facilitating entry to the beach by pedestrians. No vehicle shall be operated more than 25 feet above or beyond the mean high water line of the Atlantic Ocean. No vehicle may be driven onto meadowlands, marshes, vegetation or in any area where wildlife species are nesting or feeding. Vehicles must follow established routes of travel where such are marked and provided. No vehicle shall enter onto private property without the permission of the owner. No vehicle shall enter the beach area except at such locations and over such roads and paths as are established by the City of Brigantine.

- C. No cooking, sleeping or camping is permitted on the beach area.
- D. No disposal of trash, waste or refuse shall be made on the beach or dune areas at any time. No dumping of any substance is permitted at any time.
- E. No vehicle shall be left unattended on the beach at any time.
- F. No parties, events or congregations of large numbers of persons and vehicles shall be permitted without first obtaining the permission of the City of Brigantine. No use of exterior speakers or lights shall be permitted without the permission of the City of Brigantine.
- G. No vehicle operator or any person shall interfere with bathers or pedestrians. No bathing or swimming shall take place, except on designated bathing beaches.
- H. Any vehicle found in violation of any section of this article is subject to be removed from the beach area on order of any officer charged with enforcement of this article. Any vehicle which presents a hazard to safety, navigation or property may also be removed. All costs for such removal shall be the responsibility of the operator, permittee or registered owner of the vehicle.

§ 105-30. Areas where vehicles may be used.

- A. Entry to the beaches shall only be made at such locations as may be designated by the City of Brigantine, and the permittee shall comply with all rules and regulations governing the use of vehicles on the beach. In the event that the City or its authorized representatives determine that it is in the best interest of public safety, the beaches may be closed or the locations of entryways or signs may be altered at any time.
- B. The following areas are established for beach vehicle use. No use of the beaches other than during the times indicated and in the areas designated is permitted.
 - (1) The area west from extension of Lagoon Boulevard to St. George's Thorofare. Entrance must be made at the designated beach gateway at the end of Lagoon Boulevard. Operation is permitted during daylight hours (7:00 a.m., or sunrise, to 7:00 p.m., or sunset) only. All permitted activities are allowed.
 - (2) The area east from extension of Lagoon Boulevard to the jetty. Entrance may only be made at the designated beach gateway at the end of Lagoon Boulevard. The area is open during daylight hours (7:00 a.m., or sunrise, to 7:00 p.m., or sunset) only. All permitted activities are allowed.

- (3) The area south from Sandy Lane (off Harbor Beach Boulevard) to the jetty. Entrance must be made at the designated beach gateway at the end of Seaside Road. Traffic must follow the marked path towards the jetty. Operation is permitted during 24 hours, except that from Memorial Day through Labor Day operation is permitted only during daylight hours. Vehicle operation and parking is permitted only within designated operation area and roadway, as marked. Beach badges are required except for persons actively engaged in fishing from the rock jetty. After hours access permitted for nighttime fishing purposes only. **[Amended 4-3-1996 by Ord. No. 6-1996; 6-2-2004 by Ord. No. 16-2004]**
- (4) Area north from 15th Street North (north side of pier) to north end of island. Entrance must be made at the designated beach gateways off 15th Street North. Operation is permitted 24 hours. All permitted activities are allowed.
- (5) Area from Seaside Road (off Harbor Beach) to 15th Street North (south side of pier). Operation of vehicles is prohibited.

§ 105-31. Applicability.

The provisions of this article shall not apply to municipal employees who may be required to enter upon the beaches in the performance of their municipal duties or functions, nor to any governmental agency, its employees, agents, contractors and subcontractors who may be engaged in beach restoration or protection work.

§ 105-32. Number of annual permits issued; fees.

- A. There shall be no limit to the number of permits issued for the permit year. An applicant for a permit will pay a fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fee Schedule, at the time of issuance of the permit, which shall be valid from the date of issue until March 1 of the succeeding year, and will receive a device or an insignia which must be displayed on the vehicle. A fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fee Schedule, will be charged to replace permits which are lost. Special event permits shall be valid only for the day or period of time for which they are issued. **[Amended 2-1-1995 by Ord. No. 2-1995]**
- B. An applicant for a permit who is 60 years of age or older will pay a yearly fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fee Schedule, at the time of issuance of the permit, upon submission of proof of age by valid driver's license and further proof of submission of the vehicle registration that said applicant is also the owner of the vehicle for which the permit is to be issued.
- C. An application form for a permit may be received by mail or may be picked up in person at City Hall. The permit must be picked up in person at City Hall or such place as may be designated.
- D. The City reserves the right to close any or all of the areas where four-wheel-drive vehicles may be used or to limit the number of vehicles permitted into any or all designated areas whenever it deems it necessary to preserve the public health, safety

or welfare.

- E. An applicant for a permit who is permanently disabled and provides proof of such permanent disability by showing the annual benefits letter indicating said individual is eligible for social security permanent disability benefits will pay a yearly fee as set forth in Chapter 210, Mercantile Businesses, Article II, Fee Schedule. Said permit shall only be issued if the individual proving such permanent federal social security disability is also the owner of the vehicle for which the permit is to be issued. **[Added 1-3-2007 by Ord. No. 33-2006]**

§ 105-33. Violations and penalties; restoration of property; revocation of permit.

Any person who shall violate any of the provisions of this article shall, upon conviction by the Municipal Court of Brigantine or such other court as shall have jurisdiction, pay a fine of not more than \$1,000 or be subject to imprisonment for not more than 90 days, or both. In addition to such penalty, the Municipal Court may require the offender to restore all damage done to public or private property, and the Municipal Judge may require forfeiture of the beach vehicle permit authorized by this article.

§ 105-34. Enforcement.

This article shall be enforced by the Police Department of the City of Brigantine, any duly appointed law enforcement agency of the State of New Jersey or its subdivisions, the Brigantine Beach Patrol or any special enforcement officers designated by the City Manager, Director of Public Safety or Chief of Police.

Beach Haven:

ARTICLE III Beach Buggies Art. III, of the 1971 Code]

§ 55-12. Licensing and operation of beach buggies or jeeps.

The following rules and regulations shall be observed with respect to the licensing and operation of motor vehicles on the strand or ocean beach of this Borough:

- A. Every person desiring to operate a motor vehicle on the strand or ocean beach of this Borough must first register the same with the Chief of Police.
- B. The person registering any such vehicle shall be issued a special plate or other identifying insignia, serially numbered for identification purposes, to be displayed in a conspicuous place on the vehicle while being operated on the strand or beach. Such registration shall be issued only to vehicles having four-wheel drive, of the type known as "beach buggy" or "jeep," which vehicle shall be registered and licensed to be operated on the highways of the United States and so equipped as to be capable of passing the motor vehicle inspection requirements of the State of New Jersey. No permit shall be issued to all-terrain vehicles (ATV's) or to any vehicle which is designed or equipped for sleeping or living purposes, commonly referred to as

"campers," "camp trailers," "camper buses" or "trucks with camper bodies."
[Amended 6-9-2003 by Ord. No. 2003-8; 2-9-2004 by Ord. No. 2004-2]

- C. In addition to the registration herein provided for, each such operator is required to obtain a permit to operate a vehicle on the strand or ocean beach. Application for such permit shall be made to the Chief of Police, who may require from the applicant complete information as to his ability and competence to operate a motor vehicle in such an area in a safe and prudent manner so as not to endanger the lives and safety of others using the beach. Such information shall include the applicant's age, driving record and experience.
- D. The operator's permit is required to be in the physical possession of the operator at all times while the vehicle is being operated on the beach.
- E. The applicant shall pay a registration fee of \$25 for the permit at the time of filing an application, and such permit shall expire on December 31 in the year in which it is issued. The said charge is made for the purpose of defraying the cost of providing for, improving, preserving, maintaining, policing and regulating the beachfront, the enforcement of this article and the protection and safety of all persons using the beachfront. **[Amended 4-26-1976 by Ord. No. 76-3; 6-9-2003 by Ord. No. 2003-8]**
- F. No vehicle (except municipal, state or federal vehicles) shall be operated on the strand or beachfront during the period from May 15 to September 15, inclusive. **[Amended 7-8-2002 by Ord. No. 2002-8]**
- G. No vehicle shall be operated on the strand or beachfront at a speed in excess of 15 miles per hour.
- H. No such vehicle shall be operated on the sand dunes, and all such vehicles shall obtain access to the beachfront from the public streets only at places specifically designated by the Police Department.
- I. All such vehicles shall be required to maintain a reasonable distance from congested bathing beaches or other areas where bathers, surf fishermen or others using the beach are present.
- J. No rubbish, debris or litter of any sort shall be discarded from any vehicle while being operated on the beachfront.
- K. In addition to all of the other rules and regulations hereinabove contained in this § 55-12, all persons operating motor vehicles on the beach of the Borough of Beach Haven shall do so only in conformity with the provisions of N.J.S.A. 39:3-3 through 39:3-83, **Editor's Note: N.J.S.A. 39:3-83 was repealed by L. 1950, c. 142, p. 283, § 4.** inclusive; N.J.S.A. 39:6A-1 et seq. and N.J.S.A. 39:6B-1 et seq.; N.J.S.A. 39:4-49.1; N.J.S.A. 39:4-50 through 39:4-50.6, **Editor's Note: N.J.S.A. 39:4-50.6 was repealed by L. 1977, c. 29, § 8.** inclusive; N.J.S.A. 39:4-52; and N.J.S.A. 39:4-96 and 39:4-97, all of which statutes and the regulations provided thereby shall be deemed in addition to and not by way of limitation of the other mandates herein contained for the operation of motor vehicles on the beaches of the Borough of Beach Haven. **[Amended 5-26-1981 by Ord. No. 81-6 Editor's Note: This ordinance also repealed former Subsection L, regarding rules for the safe operation of vehicles on the beach,**

which immediately followed this subsection, and former § 37-14, Violations and penalties, which immediately followed former Subsection L. For current penalty provisions, see § 1-16, General penalty provisions, of this Code.]

- L. No vehicle shall be operated on the beachfront at night without adequate lights. [Added 6-9-2003 by Ord. No. 2003-8]
- M. Beach Haven Emergency Management members and active or exempt bona fide members of the Beach Haven Volunteer Fire Company No. 1 and the Beach Haven First Aid Squad shall be exempt from the beach buggy permit fees. [Added 6-9-2003 by Ord. No. 2003-8]

Long Beach (E-code.com):

ARTICLE III Motor Vehicles on Beaches [Adopted 8-2-1974 as § 4-8 of the 1974 Code]

§ 51-20. Permit required.

- A. Each operator shall be required to obtain a permit to operate a vehicle on the strand or ocean beach. Application for the permit shall be made to the Chief of Police who may require from the applicant complete information as to his or her ability and competence to operate a motor vehicle in an area in a safe and prudent manner so as not to endanger the lives and safety of others using the beach. The information shall include the applicant's age, driving record and experience.
- B. The operator's permit is required to be in physical possession of the operator at all times while the vehicle is being operated on the beach.

§ 51-21. Registration of vehicle.

- A. Every person desiring to operate a motor vehicle on the strand or ocean beach of this Township shall first register the same with the Chief of Police.
- B. The person registering any vehicle shall be issued a special plate or other identifying insignia serially numbered for identification purposes and to be displayed in a conspicuous place on the vehicle while being operated on the strand or beach. The registration shall be issued only to vehicles having four-wheel drive, of the type known as "beach buggy" or "jeep," which vehicle shall be registered and licensed to be operated on the highways of the United States and so equipped as to be capable of passing the motor vehicle inspection requirements of the State of New Jersey. No permit shall be issued to any vehicle which is designed or equipped for sleeping or living purposes, commonly referred to as "campers," "camp trailers," "camper buses" or "trucks with camper bodies."

§ 51-22. Fees. [Amended 2-24-1978 by Ord. No. 78-5C; 1-16-1981 by Ord. No. 81-3C]

The applicant shall pay to the Police Department a registration fee of \$50 at the time of filing the application for an annual permit or a fee of \$25 which will be applicable for the term of the Striped Bass Derby. The vehicle registration shall expire on December 31 in the year in which it was written.

§ 51-23. Regulations.

The following shall apply.

- A. No vehicle (except municipal, state or federal vehicles) shall be operated on the strand or beachfront during the months of June, July, August and September, except that portion thereof lying south of that northerly boundary of the Holgate Unit of the Brigantine National Wildlife Refuge.
- B. No vehicle shall be operated on the strand or beachfront at a speed in excess of 15 miles per hour.
- C. No vehicle shall be operated on the sand dunes, and all vehicles shall obtain access to the beachfront from the public streets only at places specifically designated by the Police Department.
- D. All vehicles shall be required to maintain a reasonable distance from congested bathing beaches or other areas where bathers, surf fishermen or others using the beach are present.
- E. No rubbish, debris or litter of any sort shall be discarded from any vehicle while being operated on the beachfront.
- F. No vehicle shall be operated on the beachfront at night without adequate lights.
- G. Every vehicle being operated on the beach shall be operated in a safe, reasonable and careful manner at all times so as not to endanger the lives and safety of other persons using the beachfront.
- H. The Township of Long Beach specifically reserves the right to close the access to the wildlife sanctuary known as the Brigantine National Wildlife Refuge when the Township deems maintenance is required and/or any other emergency arises with respect to the access route to the wildlife preserve. [Added 1-16-1981 by Ord. No. 81-3C]

§ 51-24. Violations and penalties. [Added 7-18-1997 by Ord. No. 97-16C]

A violation of this article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

ARTICLE IV Fees [Adopted 9-3-1976 by Ord. No. 76-14C]

§ 51-25. Fees established.

In order to provide the necessary funds to improve, maintain and police such beaches, including the employing of lifeguards, the purchase of necessary equipment for the protection and safeguard of bathers, the regulation and enforcement of parking and the necessary cleaning of the beaches and removal of debris, the following fees shall be charged for use of all beaches in the Township of Long Beach:

- A. No fee shall be charged to or collected from any child under the age of 12 years or any person over the age of 65 years.
- B. No fees shall be charged to or collected from any individual while attired in street clothing upon the beach, except when a person so attired shall utilize the water for swimming or any other recreational purposes.
- C. Twenty dollars per person per season, provided that application is made to the proper authority on or before June 15 of the bathing season. [Amended 11-2-1984 by Ord. No. 84-26C; 12-5-1986 by Ord. No. 86-23C; 2-3-1989 by Ord. No. 89-5C; 2-12-1992 by Ord. No. 92-3C; 12-6-1994 by Ord. No. 94-45C; 1-19-1996 by Ord. No. 96-2C; 2-20-1998 by Ord. No. 98-3C; 3-16-2001 by Ord. No. 01-3C; 2-21-2003 by Ord. No. 03-07C; 2-20-2004 by Ord. No. 04-03C; 2-4-2005 by Ord. No. 05-01C]
- D. Thirty dollars per person per season subsequent to June 15 for the remainder of the bathing season. [Amended 11-2-1984 by Ord. No. 84-26C; 12-5-1986 by Ord. No. 86-23C; 2-3-1989 by Ord. No. 89-5C; 2-12-1992 by Ord. No. 92-3C; 12-6-1994 by Ord. No. 94-45C; 1-19-1996 by Ord. No. 96-2C; 3-17-2000 by Ord. No. 00-2C; 3-16-2001 by Ord. No. 01-3C; 2-21-2003 by Ord. No. 03-07C; 2-20-2004 by Ord. No. 04-03C; 2-4-2005 by Ord. No. 05-01C]
- E. Fifteen dollars per person per week for any week or a fractional part thereof but greater than one day, subsequent to June 15 of the bathing season. [Amended 11-2-1984 by Ord. No. 84-26C; 12-5-1986 by Ord. No. 86-23C; 2-3-1989 by Ord. No. 89-5C; 2-12-1992 by Ord. No. 92-3C; 2-19-1993 by Ord. No. 93-4C; 1-19-1996 by Ord. No. 96-2C; 3-17-2000 by Ord. No. 00-2C; 3-16-2001 by Ord. No. 01-3C; 2-20-2004 by Ord. No. 04-03C; 2-4-2005 by Ord. No. 05-01C]
- F. Five dollars per person per day for any one day subsequent to June 15 of the bathing season. [Added 2-21-1992 by Ord. No. 92-3C; amended 1-19-1996 by Ord. No. 96-2C; 3-17-2000 by Ord. No. 00-2C; 3-16-2001 by Ord. No. 01-3C; 2-20-2004 by Ord. No. 04-03C; 2-4-2005 by Ord. No. 05-01C]
- G. Twenty-five dollars per season per person for a single seasonal Bayview Park badge for use at Bayview Park area only. [Added 1-21-1994 by Ord. No. 94-2C; amended 7-18-1997 by Ord. No. 98-3C; 2-1-2002 by Ord. No. 02-02C; 4-2-2004 by Ord. No. 04-10C]
- H. Twelve dollars per person per week for a single Bayview Park badge for use at Bayview Park area only. [Added 1-21-1994 by Ord. No. 94-2C; amended 2-1-2002 by Ord. No. 02-02C; 4-2-2004 by Ord. No. 04-10C]
- I. Six dollars per person per day for a single Bayview Park badge for use at Bayview Park area only. [Added 2-1-2002 by Ord. No. 02-02C; amended 4-2-2004 by Ord. No. 04-10C]

§ 51-26. Badge or permit required.

- A. No person over the age of 12 years and under the age of 65 years shall bathe or otherwise use the lands, facilities or privileges of any beach without having first acquired and then having in his or her possession a proper and effective badge, license or permit to use said beaches.
- B. Pursuant to N. J.S.A. 40:61-22.20, no person over the age of 12 years and under the age of 65 possessing any windsurfing badge shall bathe or otherwise use the lands, facilities or privileges of any beach other than specified in §51-18 of this chapter without having first acquired and then having in his or her possession a proper and effective beach badge, license or permit to use said beaches. **[Added 2-1-2002 by Ord. No. 02-02C]**

§ 51-27. Badge nontransferable.

No privilege, right, badge, ticket or other evidence of right to use the said beaches issued or to be issued upon the payment of any of the fees set forth above shall be sold or rented to any other person, persons, firm, association or a corporation for a fee, by the person to whom the same is issued.

§ 51-28. Period during which badge mandatory.

The Board of Commissioners of this municipality shall have the right to determine by resolution or order the period during each year when a badge or permit shall be mandatory. In any year in which the Board of Commissioners shall not adopt a resolution or order fixing and determining the period when badges or permits are mandatory, the period shall be from June 15 to September 15, between the hours of 10:00 a.m. and 5:00 p.m. The purchase, acquisition or obtaining of a beach badge or permit does not, in any way, give the holder the right to trespass or enter upon privately owned property in the Township of Long Beach.

§ 51-29. Use of fees obtained from badges or permits.

Fees and revenues collected from the sale of such beach badges or permits shall be earmarked for expenditure only on the beaches and beach programs of Long Beach Township for the maintenance of said beach and beach-related problems, including but not limited to lifeguard salaries, acquisition of lifeguard equipment, cleaning and maintenance of beaches, supervision and implementation of parking control, policing of beach and beach-related problems, including parking patrol, beach protection and beach preservation work and the like.

§ 51-30. Violations and penalties. [Amended 7-18-1997 by Ord. No. 97-16C]

A violation of this Article shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

Barnegat Light(E-code.com):

§ 144-11. Rules and regulations. [Amended 10-13-1981 by Ord. No. 81-8; 7-8-1988 by Ord. No. 88-9; 12-23-1991 by Ord. No. 91-66; 7-16-1997 by Ord. No. 97-8]

It shall be unlawful for any person on any beach or resort area within the Borough, whether or not designated as a bathing beach or area, to:

- A. Molest, annoy or disturb any person, by physical action or by word of mouth, in the peaceful enjoyment of the places of resort.
- B. Use any loud, profane, offensive or indecent language.
- C. Make any loud noise, sound or music to the annoyance of any other person.
- D. Play ball or any other game or engage in any activity which may endanger another person or interfere with the enjoyment of the quiet use of the places of resort by another person.
- E. Do anything which shall endanger or be likely to endanger the life or safety of himself or any other person.
- F. Littering.
 - (1) Throw, discard or leave upon any beach any bottle, can or receptacle of any kind which is unsanitary or unsightly or which is detrimental to the health or well-being of the persons using the beach.
 - (2) Throw, discard or leave upon the beach any wastepaper, garbage, refuse or material of any kind which is unsanitary or unsightly or which is detrimental to the health or well-being of the persons using the beach.
 - (3) Dump or throw garbage or other refuse in the water at any beach.
- G. Break, damage, destroy, disfigure or deface any Borough property, signs or equipment which is lawfully upon any beach.
- H. Break, damage, destroy, disfigure or deface any publicly or privately owned property which is lawfully upon any beach.
- I. Ride or operate a surfboard in any area of the beaches not designated for that purpose. The Council, through its properly designated officers, shall designate areas of the beach for the use of those persons desiring to engage in surfing. In these areas, no bathing or fishing shall be permitted while the areas are being used for surfing. The Council may change the location of the surfing areas, designate the hours of use of the areas and adopt such other regulations for the management thereof as the public welfare may require. Any area designated for surfing purposes shall be so posted. **Editor's Note: See Ch. 176, Surfing.**
- J. Surf fish, fish or crab in any area of the beaches not designated for that purpose or within the water areas within which other designated purposes are in progress. The Council shall designate areas of the beaches for the use of those persons desiring to engage in surf fishing, spear- or goggle fishing or skin or scuba diving. In these areas,

no bathing shall be permitted when the areas shall be subject to control of the Council. The Council may change the location of the areas, designate the hours of use of the areas and adopt such other regulations for the management thereof as the public welfare may require. Any such areas shall be so posted as practicable.

- K. Operate any motor vehicle of any kind, type or description without written permission from the proper Borough official.
- L. Sell or consume any food, drink or confection on any beach.
- M. Organize or participate in a beach party, picnic or similar outing.
- N. Possess or consume alcoholic beverages, drugs or narcotics.
- O. Start or maintain any fire.
- P. Take or permit his dog to be on the places of the resort commencing May 1 through September 30 of each year.
- Q. Go into the water at any beach:
 - (1) When it is unsafe to do so.
 - (2) When directed by any lifeguard to stay out of the water.
 - (3) When intoxicated or when to any degree under the influence of alcohol or any drug or narcotic.
- R. Remain in the water at any beach:
 - (1) When it is unsafe to do so.
 - (2) When directed by any lifeguard to come from the water.
 - (3) When intoxicated or when to any degree under the influence of alcohol or any drug or narcotic.
- S. Go out in the water at any beach farther than directed by any lifeguard or in violation of any reasonable order of the lifeguard.
- T. Refuse or neglect to obey the orders and directions of any lifeguard as to time, place and distances for bathing or otherwise.
- U. Interfere with or obstruct any police officer, policeman, lifeguard or other officer in the performance of his duties.

§ 144-12. Season and time of beach opening.

The places of resort shall be kept open during the usual bathing season in the Borough, which is generally from June 30 to September 7. The hours when the beaches shall be open are from 10:00 a.m. to 5:00 p.m. Daylight Saving Time, except during inclement weather.

§ 144-13. Display of beach badge required. [Amended 11-10-1983 by Ord. No. 83-12; 7-16-1997 by Ord. No. 97-8]

Each individual upon the beach within the Borough of Barnegat Light shall properly display a Barnegat Light beach badge upon his or her person during the prescribed period that the bathing beach shall be opened to the public. Failure to properly display upon his or her person a proper beach badge for the Borough of Barnegat Light in violation of this section shall carry with it a fine of \$50.

§ 144-14. Beach and bay areas.

- A. Applicability. The regulations hereinafter set forth shall apply to the beach and bay areas of the Borough, which areas are hereby define and declared to be:
- (1) All of those areas of land along the oceanfront, bay front or inlet front owned by the Borough.
 - (2) All those areas of land along the oceanfront, bay front or inlet front wherein the Borough has control of the use by easement, deed or common consent or the prescriptive right of the public.
 - (3) All other areas set apart by consent of the owners where protected bathing areas have been or are established.
 - (4) Public street ends on the bay front, inlet front or oceanfront.
- B. General regulations. It is unlawful and an offensive course of conduct to violate or participate in a violation of any rule or regulation hereinafter set forth, which rules and regulations are hereby adopted for and shall apply to the government, supervision, use and policing of the areas set forth in Subsection A:
- (1) To throw, bat or catch a baseball, football, basketball or softball or engage in the playing of any game so as to endanger the health and safety of others.
 - (2) To swim or bathe beyond a safe depth in the ocean as indicated, determined or regulated by the Borough lifeguard.
 - (3) To use any inflatable raft, innertube, waterwings or any floating or inflated objects of any kind or description except as indicated, determined or regulated by the Borough lifeguard or in such a manner as to endanger the health and safety of others.
 - (4) To throw, place, deposit or leave any bottle, glass, crockery, sharp or pointed article or thing, paper, refuse, fish, bait or debris of any kind in any of the beach areas, except in the proper receptacles provided therefor at the street end. No trash cans are to be taken from the streets and placed on the beach by unauthorized persons.
 - (5) To fail to obey the orders, directions, whistles or other signals used by the Borough lifeguards and police.
 - (6) To sleep on the beach within the areas defined during any time between 11:00 p.m. and 6:00 a.m.
 - (7) To change clothes, dress, undress or otherwise disrobe, except outer wraps.

- (8) To picnic, meaning the carrying of or otherwise transporting any box, basket, bag, tub or other receptacle in which there is contained food or beverage, or both, within the areas described.

§ 144-15. Supervision. [Amended 3-8-1976 by Ord. No. 76-4]

All beaches, bathing beaches and bathing areas shall be under the supervision and control of the Parks and Recreation Committee of the Council.

§ 144-16. Power of Parks and Recreation Committee. [Amended 3-8-1976 by Ord. No. 76-4]

The Parks and Recreation Committee aforesaid shall have the power to define and establish bathing beaches and bathing areas within the Borough and provide rules and regulations in connection therewith and for the use and control thereof.

§ 144-17. Prohibition of fishing. [Amended 3-8-1976 by Ord. No. 76-4]

The Parks and Recreation Committee aforesaid shall have the power to prohibit fishing within certain areas on and along the beaches which are designated for bathing purposes. Fishing within such prohibited areas shall be deemed a violation of this article.

§ 144-18. Posted rules and regulations. [Amended 3-8-1976 by Ord. No. 76-4]

Any rules and regulations promulgated by the Parks and Recreation Committee aforesaid, when posted on any beach or area, shall have the same force and effect as any provision hereof, and the violation thereof shall constitute a violation of this article.

§ 144-19. Violations and penalties. [Added 7-16-1997 by Ord. No. 97-8]

A violation of this article shall be punishable as provided in Chapter 1, General Provisions, § 1-15.

Seaside Heights (E-code.com):

§ 33-7. Fee for use.

In order to provide funds to improve, maintain and police the said place of resort and to protect the same from erosion, encroachment and damage by sea, or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, the following reasonable fees shall be charged the person using said lands and bathing facilities for access to the beach and bathing and recreational facilities, provided that such fees shall not be charged or collected from children under the age of 12 years:

- A. During normal bathing season: \$5 per day per person during the usual bathing season from May 15 to September 15 of each year. The Borough reserves the right to waive or reduce the beach fees for certain days in the event the Borough is successful in obtaining paid sponsorship for those days. In the event the governing body is successful in obtaining the necessary sponsorship for a beach day or days, the Borough shall designate the beach day or days by resolution. **[Amended 2-4-1998 by Ord. No. 98-5; 12-15-1999 by Ord. No. 99-34; 3-1-2000 by Ord. No. 2000-5; 3-2-2005 by Ord. No. 05-09]**
- B. Individuals desiring to purchase a season badge shall be required to pay a fee of \$30 per season if said badge is purchased prior to May 15. If the season badge is purchased thereafter, the price shall be \$35 per season. **[Amended 2-4-1998 by Ord. No. 98-5]**
- C. Individuals desiring to purchase a seasonal badge shall make application to the Borough Clerk of the Borough of Seaside Heights, and the Borough Clerk will issue the said badges within a reasonable time after the completion of the application.
- D. Senior citizen lifetime season badge fee. Any person 65 years of age or older shall be entitled to purchase a lifetime season badge from the Borough of Seaside Heights for a fee of \$10 upon presentation of a copy of a birth certificate or other valid proof of age and a photo I.D. to the Borough Clerk. A fee of \$10 will be charged for replacement of a lost badge. **[Amended 4-19-2006 by Ord. No. 06-05]**

§ 33-8. Prohibited acts. [Amended 3-2-2005 by Ord. No. 05-09]

Unless permitted in a designated area of the beach as authorized by the governing body, in which case signs shall be posted in public view to advise the general public of the acts which are permitted in said designated area, no person shall do any of the following things at or upon the place of resort for public health, recreation, bathing and entertainment:

- A. Throw, drop, discard or leave any wastepaper, garbage or other refuse on the beach or in the water or anywhere which is not a designated trash or recycling receptacle; or in any way litter, make unsightly, damage, destroy or disfigure the said beach or any public or private property thereat.
- B. Sell, peddle or hawk any food, drink or confections upon the public beach.
- C. Make any loud noise, sound or music to the annoyance of any other person; or use loud or obscene language.
- D. Play ball or any other game, ride or operate a surfboard or engage in any activity which will endanger another person or interfere with the enjoyment of the quiet use of the beach or public boardwalk or said place of public resort by another person or do anything which shall endanger the life, health or safety of oneself or any other person.
- E. Take any intoxicating liquor upon any public beach or public boardwalk.

- F. Take or permit his or her dog to be or go upon the beach or in the water at a public bathing beach or upon the public boardwalk. **Editor's Note: See also Ch. 29, Animals.**
- G. Go into or remain in the water at any beach when:
 - (1) It is unsafe to do so. This prohibition shall include swimming out from the beach so far that it is unsafe.
 - (2) Directed by a public lifeguard to come from said water.
 - (3) Intoxicated.
- H. Molest or disturb any person in the peaceful enjoyment of said beach, boardwalk or bathing facilities.
- I. Go out in the water at a bathing beach:
 - (1) Farther than directed by a public lifeguard.
 - (2) In violation of a reasonable order of a lifeguard when the safety of the bather is or may be endangered by going in the water.
- J. Refuse or neglect to obey the orders and directions of a public lifeguard as to time, place and distances for bathing, or interfere with or obstruct a police officer or lifeguard in the performance of his or her duty. Nor shall any person fail to obey the order of the captain of the lifeguards or, in his or her absence, the second-in-command of the beach patrol ordering the lowering of beach umbrellas when wind conditions require the same. Additionally, this shall apply to the captain's order to remove surf rafts from the ocean when conditions have been determined to require the same.
- K. Operate a privately owned motor vehicle on the public boardwalk at any time.
- L. Operate a privately owned beach buggy or other motor vehicle on a beach during times and hours when the beach is opened for bathers, which shall be during times when lifeguards are on duty.
- M. Enter or attempt to enter upon the public beach without having purchased a current and valid beach badge from the Borough of Seaside Heights. Upon request of any lifeguard, beach attendant, police officer or other Borough officer or employee, an individual on the public beach shall present his or her beach badge as proof that he or she entered upon the beach in a legal manner. Failure to produce a current and valid beach badge shall be grounds for removal from the public beach and the issuance of a complaint for violation of this section.
- N. Build or maintain bonfires or fires on the beach.

§ 33-9. Duration of season; hours.

- A. Said place of resort shall be kept open during the usual bathing season in the municipality, which is generally from May 15 to September 15, except in inclement weather. Ocean and bay bathing is permitted only when lifeguards are on duty. All persons are to be restricted from remaining on the ocean beach after 10:00 p.m. of any

day. [Amended 5-19-1999 by Ord. No. 99-15]

- B. The public boardwalk shall be closed for public use and no person shall be permitted to remain on the public boardwalk during the hours after 3:00 a.m. and before 6:00 a.m.

§ 33-10. Enforcement.

The provisions of this chapter shall be enforced by the Police Department for the Borough of Seaside Heights, Special Police Officers, Lifeguards and Beach Attendants. It is the specific intention of the governing body of the Borough of Seaside Heights that lifeguards and beach attendants be authorized to write summonses for violations of the provisions of Chapter 33 and, in particular, § 33-8, entitled "Prohibited acts."

§ 33-11. Violations and penalties. [Amended 3-2-2005 by Ord. No. 05-09]

- A. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of no less than \$100 and no more than \$1,250, by imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service, as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- B. The violation of any provision of this chapter shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Lavallette (E-code.com):

§ 8-3. Permitted and prohibited activities.

- A. Within beach areas, no person shall undertake or cause to be undertaken any activity, including the construction, relocation, reconstruction, modification, expansion or demolition of any temporary, mobile or permanent structure, except, upon the approval of the governing body. The following uses may be permitted:
 - (1) Open space, beach or water recreation.
 - (2) Boardwalks and steps to permit access across the dunes to the beach, without damage to the dunes themselves.
 - (3) Sand fences to encourage the accumulation of sand.
 - (4) Pavilions or similar small platforms less than 400 square feet in an area, provided that they do not have solid walls, are mounted on suitable pilings and provided, further, that it shall be established to the satisfaction of the Construction Official that the proposed design and construction methods,

considering the totality of the circumstances, will not:

- (a) Unreasonably disturb the existing dunes;
 - (b) Be likely to create wind currents detrimental to the existing dunes; or
 - (c) Be likely to create, increase or prolong any other hazard.
- (5) Necessary buildings and structures for public safety and convenience, including first-aid stations, lifeguard stations, boardwalks and attached buildings, comfort stations, piers, dune walkover structures and related activities.
- (6) Necessary shorefront protection and stabilization improvements, including groins, bulkheads and activities related to beach restoration projects.
- (7) The operation of specially permitted and licensed vehicles for recreational purposes only.
- B. Within a functional dune area, no person may modify his property in any way which would result in an elevation at the bulkhead line or the ocean side setback line, less than the minimum established by the Borough's Construction Codes and any applicable state code.
- C. Within a functional dune area, a property owner may remove clean windblown sand, to the extent permitted by state regulations. Such removed sand must be deposited easterly of his property line or the boardwalk.
- D. Within the natural dunes and dune development district areas, the following activities are prohibited:
- (1) The operation of any motor vehicle except in designated accessways.
 - (2) The removal of sediment and native vegetation unless removal is part of site preparation, and the removed vegetation shall be replanted where conditions permit.
 - (3) Placement of nonliving trees, brush, shrubs and other debris.
 - (4) Pedestrian or vehicular traffic on or over dunes or sand fencing.
 - (5) Removal, mutilation or destruction of sand or sand fencing unless removal is part of site preparation, and shall be replaced where conditions permit.
- E. Within a shorefront protection area, except as permitted elsewhere in this chapter, no person shall undertake or cause to be undertaken a regulated activity hereinafter defined until he has applied for and received a permit issued by the Construction Official.
- F. No person shall build or maintain an outdoor fire on any beach or other public or private property within the Borough of Lavallette.

§ 8-4. Regulated activities.

- A. "Regulated activities" shall mean and include:

- (1) The construction, relocation, modification, expansion or demolition of any temporary, mobile or permanent structure subject to applicable building standards.
- (2) The removal, excavation, filing or deposition of any soil, mud, sand, gravel or other material except as noted hereinafter.
- (3) The construction, reconstruction or major repair of any public facilities, including but not limited to roads, sewers, bridges, electric power, telephone, gas and water lines.
- (4) The construction of pipelines and other linear development.
- (5) The designation and development of accessways and pedestrian paths and walkways through dunes.

B. "Regulated activities" does not mean or include:

- (1) The operation of motor vehicles by government agencies for public safety, beach maintenance and emergency purposes.
- (2) The operation of motor vehicles outside of beach and dune areas.
- (3) The repair of any existing structure, provided that such repair is authorized by a construction permit and does not conflict with any other provision of this Code.
- (4) The removal of sand from a designated driveway or accessway within the shorefront protection area.
- (5) Any sand deposited by action of wind or water on private and/or public properties between the dune line and Route 35 north may be removed but must be deposited east of the bulkhead line and/or boardwalk.

§ 8-5. Shore protection area.

The following standards shall apply within the shore protection area:

- A. All new buildings shall be designated and constructed to remain in place under flood conditions in accordance with the current provisions of the Federal Emergency Management Agency's National Flood Insurance Program and their rate maps as enforced through the Borough Construction Official.
- B. Construction standards of all new buildings and structures shall conform to the provisions of the State Uniform Construction Code and standards set forth in the National Flood Insurance Act.
- C. The Construction Official shall review all construction permit applications, including new construction and substantial improvements to existing structures to assure that any such building activity conforms to applicable construction standards.

§ 8-6. Violations and penalties.

- A. Any person, firm, corporation or public agency that shall be convicted of a violation of a provision of this ordinance shall, upon conviction whereof by any court authorized by law to hear and determine the matter, be subject to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 90 days, or both, as such court in its discretion may impose. Each day that such violation exists shall constitute a separate offense.
- B. In addition to the above penalties, the Borough of Lavallette is hereby empowered to pursue such legal and equitable relief as may be necessary to abate any violation or enforce any condition of this chapter.

Spring Lake (E-code.com):

§ 114-20. Badge and ticket. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).*

Every person using the beachfront of the Borough and the waters adjacent thereto during the bathing season (as determined in accordance with § 114-18) shall obtain a beach badge which shall be visibly worn by the individual at all times and which shall be exhibited upon request to Borough representatives and employees.

§ 114-21. Revocation of beach privileges.

The Borough reserves the right to revoke any beach privileges granted under this article for cause and to retake and impound any beach identification badge or admission ticket which has been improperly used or obtained.

§ 114-22. Broken or lost badges. [Amended 2-25-2003 by Ord. No. 5-2003]

Badges which are broken shall be replaced at no charge. Badges which are lost shall be replaced for the following charges for each badge lost:

- A. Pool and beach seasonal (before July 31): \$70.
- B. Pool and beach seasonal (after July 31): \$35.
- C. Pool only, seasonal (before July 31): \$35.
- D. Pool only, seasonal (after July 31): \$17.50.
- E. Monthly badge (all season): \$70.

§ 114-23. Food and beverages on beaches.

Food is prohibited on all beaches within the Borough. Nonalcoholic beverages in nondisposable containers such as thermoses and squeeze bottles are permitted on all beaches within the Borough. Coolers are prohibited on the beach.

§ 114-24. Jetties.

Bathers and all other persons, except those persons engaged in surf-fishing, are prohibited from going on the jetties in the Borough. Persons engaged in surf-fishing may not use the jetties, or that side of the jetties which is either in designated bathing areas or in the proximate bathing areas thereto, at such times as the beaches are open for bathing as set forth in this Chapter.

§ 114-25. Additional rules and regulations. [Amended 3-23-2004 by Ord. No. 10-2004 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III).]

The Mayor and Council are authorized and empowered to adopt by resolution additional rules and regulations for the operation and maintenance of the beaches, pavilions, boardwalk and areas adjacent thereto and such additional rules and regulations shall be enforceable as any other provisions in the this section. To the extent deemed appropriate, notice of such additional rules and regulations shall be published and posted where all public notices are posted and, in addition thereto, at all municipally operated beaches and pools. In an emergency, either the Council Liaison for the Beachfront or the Beach Manager may promulgate necessary rules and regulations if deemed to be for the health, safety and general welfare of the public. Such emergency rules and regulations shall be reviewed and considered at the next regular or special meeting of the Mayor and Council at which time such rules and regulations may be confirmed, amended or revoked.

§ 114-26. Peddling or vending. Editor's Note: See Ch. 273, Peddling and Soliciting.

No person or persons shall peddle, vend, sell, distribute or offer for sale any goods, wares or merchandise on the dedicated beachfront or the public walk on the dedicated beachfront. This section does not apply to the three concessions leased by the Borough to the various concessioners at the North End Pavilion, South End Pavilion and Pier Beach.

§ 114-27. Soliciting.

No person or persons shall solicit any business on the public walk or dedicated beachfront.

§ 114-28. Selling or distributing circulars, leaflets.

No person or persons shall sell or distribute any leaflets, circulars, pamphlets or other printed matter upon the dedicated beachfront or on the public walk.

§ 114-29. Tampering with boats or lifeguard equipment.

No person or persons shall use or tamper with any boat or other lifeguard equipment without the permission of the Captain of the Lifeguards, except in case of emergency.

§ 114-30. Rough surf management plan.

- A. The Beach Manager will regulate and control the beachfront as to determine whether bathing and/or surfing is to be permitted, restricted or closed after normal operating hours in correlation with this article. Lifeguards will remain on duty under the direction of the Beach Manager and the Lifeguard Supervisor. Beaches can be closed to bathing and/or surfing completely whereby lifeguards and police would keep people away from the dangerous surf or have restricted bathing and/or surfing in designated areas as determined by the Beach Manager and the Lifeguard Supervisor. **[Amended 3-23-2004 by Ord. No. 10-2004]**
- B. Under the direction of the Beach Manager and/or Lifeguard Supervisor, when lifeguards are told to secure and depart the beachfront, the lifeguards will advise the patrons that they are going off duty and to not go near the dangerous surf to swim or surf. The Beach Manager and/or Lifeguard Supervisor will notify Spring Lake Police Department that the lifeguards are off duty. The Rough Surf Management Plan will remain in effect until the surf conditions subside and normal beach operating conditions are in effect. **[Amended 3-23-2004 by Ord. No. 10-2004]**
- C. Rules and regulations. In addition to the rules and regulations hereinafter enumerated, the Borough Council is hereby authorized and empowered to adopt, by resolution, such other rules and regulations as may be necessary for the proper control and regulation of the beachfront and the waters adjacent thereto. The Borough Council is further authorized and empowered to suspend, modify and/or supplement, by resolution, for a limited time the operation of certain rules and regulations governing the beachfront and the waters adjacent thereto in order the permit or facilitate special events, activities, promotions or programs authorized by resolution of the Borough Council. The following rules and regulations are hereby established:
- (1) No person shall bathe in the water adjoining the beachfront within the Borough of Spring Lake except in certain designated areas to be hereafter determined from time to time by resolution of the Mayor and Council and thereafter published in the beach regulations of the Borough of Spring Lake for the current season or as designated by signs or flags to be posted by the Beach Manager. **[Amended 3-23-2004 by Ord. No. 10-2004]**
 - (2) No person shall bathe or swim from the beachfront except from the protected bathing beaches, as designated by flags or signs and where lifeguards are provided by the Borough of Spring Lake, and only at such times as the lifeguards are on duty.
 - (3) No person shall use or tamper with any boat or lifeguard equipment without the permission of either the Beach Manager or Lifeguard Supervisor. **[Amended 3-23-2004 by Ord. No. 10-2004]**
 - (4) Lifeguards shall be maintained on duty at the protected bathing beaches hereinafter established between the hours of 9:00 a.m. and 6:00 p.m., prevailing time, except at such times when bathing or swimming shall be deemed dangerous or hazardous by either the Beach Manager or the Lifeguard

Supervisor. When such dangerous conditions exist, a sign or red flag shall be displayed indicating that the beach is closed to bathing or swimming, and no person shall bathe or swim in said waters adjacent to the beach, whether protected or not, at any time until the signs or flags are removed. No person shall bathe or swim in the waters adjacent to the beach during the hours of darkness. [Amended 3-23-2004 by Ord. No. 10-2004]

- (5) Lifeguards shall have charge, control and supervision of the bathing, swimming and surfing at the respective designated beaches for the individual designated sports and generally on all the beaches and beachfront of the Borough and in the waters adjoining the same. It shall be a violation of this section for any person to refuse to obey or to disregard the oral or visual command, whistle or signal of any lifeguard not to enter the beaches, beachfront or waters adjoining the same, not to surf in the waters, not to swim or bathe beyond the designated swimming or bathing areas or in waters deemed hazardous or dangerous by the lifeguard, not to leave the waters or the beach or beachfront with or without paraphernalia or equipment, whether swimming, bathing, surfing or being thereon, as the case may be. The Borough shall provide beach patrols consisting of regular and/or special police officers.

§ 114-31. Violations and penalties.

Any person violating any section herein shall be subject to general penalties of the Borough of Spring Lake as set forth in Chapter 1, Article II, General Penalty.

Sea Bright (E-code.com):

ARTICLE I General Regulations [Adopted 2-23-1968 as Arts. 1, 2 and 3 of Ch. 4 of the Codified Ordinances; amended in its entirety 12-15-1998 by Ord. No. 94-98]

§ 66-1. Regulations adopted.

The Mayor and Council are hereby authorized and empowered to adopt such other rules and regulations that may be necessary for the proper control of the bathing beach and waters adjacent thereto, and any person violating such rules or regulations shall be subject to the same penalties as are hereafter provided for violations of the provisions of this article.

§ 66-2. Lifeguards.

Lifeguards shall be maintained on duty during the hours of operation of the Municipal Bathing Beach and shall have full charge and supervision of the bathing at the respective beach. Any person who shall remain on the beach after designated hours shall do so at his or her own risk.

§ 66-3. Parking.

Parking of automobiles on the parking lot of the Municipal Beach shall be permitted at a rate and at hours to be fixed by the Mayor and Council of the Borough of Sea Bright.

§ 66-4. Violations and penalties.

Penalties for violations of this article shall be as provided in Chapter 1, General Provisions, Article I, unless otherwise specified in this chapter.

ARTICLE V Beach Regulations [Adopted 5-7-1996 by Ord. No. 34A-96]

§ 66-19. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ATLANTIC OCEAN — The tidally flowed overwash area immediately adjacent to the beach that extends seaward from the mean high waterline to the mean low waterline (hereinafter "foreshore"), the ocean waters extending seaward from the waterline to the three-mile limit, and the tidally flowed land under such ocean waters.

BEACH — The gentle sloping of sand adjacent to the Atlantic Ocean in the Borough of Sea Bright that extends landward from the mean high waterline of the ocean to a man-made feature generally parallel to the ocean, such as a seawall, fence, parking lot, retaining wall or other structure, whichever is closest to the ocean. "Beach" shall include supervised beaches, unsupervised beaches, private beaches, beach clubs, beach access, dunes, foreshore and the Atlantic Ocean as defined herein.

BEACH ACCESS — Any public ingress and egress to the beach and shall include the seawall, stairs over the seawall, decks, ramps, steps, paths, walkways, parking lots, sidewalks and any other method of public access immediately adjacent to the beach.

BEACH CLUB — A private beachfront establishment, with a clubhouse structure, having a limited number of members who agree to abide by the policies of the establishment and who pay a fee which allows them use of the club facilities and its beach for an entire summer season and which establishment is not open to the general public on a transient basis. A club's facilities may consist of but are not limited to lockers, bathhouses or cabanas or any combination thereof, beach area, parking area, pool area and eating facilities. These clubs are designated as those operating under the following names: **[Amended 9-19-2006 by Ord. No. 11-2006]**

- A. Driftwood Cabana Club.
- B. Merri-Makers at Water's Edge.
- C. (Reserved)
- D. Donovan's Beach.
- E. Chapel Beach Club.
- F. Sea Bright Beach Club.

G. Surfrider Beach Club.

H. Sands Beach Club.

I. Ship Ahoy.

CABANA — Any facility accommodating one or more persons for the purpose of showering, changing clothes or bathing suits or the storage of bathing equipment.

DUNE — A wind- or wave-deposited or man-made formation, ridge or mound of sand that lies generally parallel to and landward of the Atlantic Ocean between the upland area of the beach and the foot of the most inland dune slope, and includes any area of sand stabilized by snow fences and/or planted vegetation. Loose, windblown sand found in a street, parking lot or on part of a structure as a result of storm activity is not considered to be a dune.

SUPERVISED BEACH — A beach, open to the public or available for public access, that is regularly supervised and maintained on a seasonally scheduled basis by the supervisory personnel, including but not limited to providing lifeguards, litter pickup, swimming information and enforcement, and includes any recreational or parking facilities adjacent thereto operated by the Borough of Sea Bright in conjunction with the supervised beach.

SUPERVISORY PERSONNEL — The employees or officials of the Borough of Sea Bright who are directly responsible for the supervision and operation of a supervised beach.

UNSUPERVISED BEACH — A beach that is not regularly or seasonally supervised or maintained by supervisory personnel. Private beaches are specifically defined as unsupervised beaches for purposes of this article notwithstanding the fact that some private beaches may provide their own private supervision, regulations and maintenance. Beach clubs are specifically excluded from this definition.

§ 66-20. Regulations for use of beaches; badges.

- A. It shall be a violation of this article for any person to violate, participate in the violation of, refuse to obey or to disregard any order, direction, command, whistle or any other signal used by supervisory personnel on supervised beaches and on unsupervised beaches.
- B. Except for children under the age of 12, any person desiring to enter a supervised beach shall purchase a daily or seasonal beach badge from the Borough of Sea Bright before entering the beach and shall agree to abide by the rules and regulations promulgated by the Borough of Sea Bright as set forth in this article and other applicable municipal, county, state and federal laws and regulations.
- C. All persons entering the supervised beach shall attach and wear such beach badge in a prominent place on their clothing and shall display such beach badge upon request to the supervisory personnel.
- D. The counterfeiting, copying or other reproduction of beach badges or the

misrepresentation of information by any person applying for and receiving a beach badge is a violation of this article.

- E. The supervisory personnel of supervised beaches shall have the right to immediately revoke the beach badge privileges of any person who violates this article or any other municipal, county, state, federal law or regulation and to take and impound any beach badge that has been improperly used or obtained.
- F. It shall be a violation of this article for any person to use, tamper with, damage or destroy any of the equipment, lifeboats, stands, lifesaving equipment, ropes, buoys, floats, oars, paddles, signs, structures, access means, stairs, decks, fences, buildings, bicycle racks, planters, railings, waste receptacles, flags, vehicles or any other equipment, structure or device used by the supervisory personnel or owned by the Borough of Sea Bright.

§ 66-20.1. Fees. [Added 9-21-1999 by Ord. No. 117-99; amended 5-7-2002 by Ord. No. 4-02]

The fees and charges of the Municipal Beach Authority of the Borough of Sea Bright shall be established annually by resolution of the Governing Body.

§ 66-21. Prohibited conduct. [Amended 12-15-1998 by Ord. No. 94-98]

- A. The following conduct is prohibited on the beaches of the Borough of Sea Bright:
 - (1) Possession of alcoholic beverages on supervised beaches and on unsupervised beaches.
 - (2) Sleeping on any beach between the hours of 11:00 p.m. and 6:00 a.m., without prior written permission of the Mayor and Council of the Borough of Sea Bright.
 - (3) Appearing in the nude on any beach, which shall be defined as a person exposing to public view any part of the genitalia or of the entire breast of a mature female.
 - (4) To take, haul away or remove any quantity of sand from the beach.
 - (5) Tamper with, cut, burn, destroy, mutilate or in any way interfere with the planting, placement or growth of any dune grass or other vegetation, dune fencing, poles or any other apparatus used in connection with the formation of dunes.
 - (6) Solicit, sell, peddle or hawk any article, goods, wares, service or merchandise on supervised beaches and unsupervised beaches without the express written permission of the Mayor and Council of the Borough of Sea Bright.
- B. Glass containers of any kind are prohibited on supervised beaches and on unsupervised beaches and in the waters adjacent thereto.
- C. No person or persons shall, while on or using any portion of any beach and adjacent

parking areas or while bathing or swimming in the waters of the ocean adjacent thereto, annoy or molest any other person or persons or utter any offensive or indecent language or in any way act in a disorderly manner.

§ 66-22. Controlled activities on supervised and unsupervised beaches.

- A. Baseball, football, basketball, softball, volleyball or any other sport or game shall be played only on unsupervised beaches in areas that are scarcely populated, except that these activities may be permitted on supervised beaches at the discretion of the supervisory personnel on said beaches in areas and at times specifically designated in advance.
- B. Kite flying or the action of propelling any object through the air shall be engaged in only on unsupervised beaches in areas that are scarcely populated. Use, landing and takeoff of ultra-lites, airplanes, hang gliders or any other manned or mechanically propelled aircraft is prohibited except in an emergency.
- C. Use and launching of boats, surfboards, jet skis, boogie boards, air mattresses, rafts, water wings, inner tubes or any other floating, motorized or inflated object, device or means of water conveyance shall be permitted in areas and at times as permitted by supervisory personnel on supervised beaches and on unsupervised beaches.
- D. Beach buggies, automobiles, trucks, tractors, bulldozers, buses, trailers, snowmobiles, quads, mopeds, motorcycles or any other motorized land vehicles are prohibited on supervised beaches and unsupervised beaches, with the exception of those motorized vehicles specifically utilized for the purpose of beach maintenance and grooming of supervised and unsupervised beaches. Such vehicles shall be permitted to operate on the supervised and unsupervised beaches and shall not exceed the speed of five miles per hour. Vehicles operated by the supervisory personnel of supervised and unsupervised beaches, the Sea Bright Police, Public Works, Fire, First Aid and Emergency Management Departments are not prohibited. **[Amended 9-19-2006 by Ord. No. 11-2006]**
- E. Surf fishing shall be permitted on unsupervised beaches and on supervised beaches when not in use for bathing or beach purposes. All nets, poles, lines, spears, lures, hooks and other fishing equipment shall be maintained, stored and used so as not to interfere with, or be likely to interfere with, the safety of any other person.
- F. Beach fires, including the use of barbecues and grills for cooking, are prohibited on unsupervised beaches and are limited to specific occasions, times and designated areas on supervised beaches as permitted by supervisory personnel of supervised beaches and by local, county, state or federal law.
- G. Animals. **[Amended 3-7-2006 by Ord. No. 2-2006; 6-6-2006 by Ord. No. 6-2006; 2-20-2007 by Ord. No. 3-2007]**
 - (1) The Borough will permit dogs, cats and other animals on the Municipal Public Beach from the day after Labor Day until the Friday of Memorial Day weekend.
 - (2) The Borough prohibits dogs, cats, and any other animals (except service

animals) on all beaches from the Saturday of Memorial Day weekend through Labor Day.

- (3) Additionally, in conjunction with the Beach Management Plan and due to the nesting areas of Piping Plovers and other endangered species, the Borough prohibits dogs, cats, and any other animals (except service animals) from April 1 through Labor Day in the following areas: North Beach (north from Ship Ahoy Beach Club to the public access stairway at Via Ripe) and South Beach (from the Monmouth Beach/Sea Bright border to the Driftwood Beach Club). These additional areas shall be modified by signage or fencing when and if the endangered species expand or decrease their habitat.
- (4) All animals, including service animals, must be leashed at all times and are prohibited from entering prohibited areas.
- (5) Animal owners/walkers must carry a visible device for removal of animal waste.

H. It shall be unlawful for any person or persons to occupy any cabana, locker or other bathing facility after the hour of 10:00 p.m., except Friday, Saturday, Sunday and holidays, at which time it shall be 12:00 midnight or as otherwise permitted by prior written permission of the Mayor and Council of the Borough of Sea Bright. It shall further be the responsibility of the holder of the license of any beach club or bathing facility or its agent or employees, as a condition of its license, to post a copy of this article in a conspicuous place upon its premises. The prohibition contained in this article shall not apply to security guards or watchmen employed by the licensee for the purposes of protecting its property or that of its customers.

§ 66-23. Waste disposal.

All containers, cans, paper and other refuse shall be deposited in the waste receptacles designated for that purpose on the beach. It shall be a violation of this article to throw, discard or leave any empty bottle, can, top, diaper, cigarette, carrier, bag, box, wrapper, container, paper, food, drink, balloon, straw, fishing line or equipment, furniture, umbrella, clothing, towel, toy, garbage, animal waste or refuse of any kind on the beach and adjacent parking areas outside of waste receptacles provided for that purpose.

§ 66-24. Enforcement.

The Sea Bright Police Department is authorized and empowered to enforce the provisions of this article.

§ 66-25. Violations and penalties. [Amended 12-15-1998 by Ord. No. 94-98]

Penalties for violations of this article shall be as provided in Chapter 1, General Provisions, Article I, unless otherwise specified in this chapter.

National Wildlife Refuges:

Cape May NWR:

GENERAL USAGE GUIDELINES

Refuge visitors are welcome to enjoy a wide range of wildlife-dependent activities here. The Refuge headquarters is located at 24 Kimbles Beach Road in Cape May Court House and is open weekdays from 8 am – 4:30 pm.

The Refuge is open daily from dawn to dusk.

Pets must be on a short hand-held leash. Pets are prohibited on the Two Mile Beach Unit.

[Back to Top of Page](#)



PROHIBITED ACTIVITIES

Use of motorized and nonmotorized vehicles, including ATV's and dirt bikes.

Disturbing, injuring, destroying, collecting of plants, wildlife or other natural objects.

Picking fruits or flowers.

Feeding wildlife.

Entering closed areas.

Camping, swimming, kite flying, fires.

Horses.

[Back to Top of Page](#)



WILDLIFE OBSERVATION

Existing foot trails through the Refuge's varied habitats provide excellent opportunities for bird watching, photography and environmental education. (In fact Cape May Peninsula has been described as one of the ten top birding spots in North America!) There are four maintained trails on the Refuge, two trails in the [Delaware Bay Division](#)), one at the [Two Mile Beach Unit](#) and one in the [Great Cedar Swamp Division](#). (All require Adobe Acrobat Reader).

Songbird Trail - This 0.4-mile-long trail begins at the Headquarters Office off of Kimbles Beach Road. This trail is a wheelchair accessible trail that begins in the parking lot, extends to the edge of shrub/scrub habitat, winds through a forest segment with vernal pools and ends along Kimbles Beach Road. Often seen on this trail are American kestrels, bluebirds, and box turtles. Frogs regularly call from the vernal pools.

Woodcock Trail - About 0.4 miles south of Kimbles Beach Road off of Route 47 is a residential road called [Woodcock Lane](#). At the end of this road is a parking area for access to Woodcock Trail. This trail is a one-mile-long loop through grassland habitat. There are also side trails of 0.4 miles that extend through a forested section and end at a view of the Delaware Bay salt marsh. Often seen here are great crested flycatchers, blue grosbeaks, a variety of sparrows, spotted turtles, and frogs.

Dune Trail - The [Two Mile Beach Unit](#) offers a 0.9 mile trail (1.8 mile round trip) which begins at the north boundary of the Refuge next to Diamond Beach and ends at the south boundary next to the US Coast Guard: Loran Support Unit. The trail traverses behind the beach dunes that host rare maritime forest habitat. Migrant songbirds are plentiful in spring and fall, as well as butterflies and dragonflies. This trail offers two access points midway through the trail, one off of Loran Drive across from the first parking lot, on the right, and another access point from the second parking lot, on the left. The second access point also offers disabled-accessible parking next to a boardwalk which leads to an observation platform overlooking the beachfront. (Please note: Access to the beach is prohibited April 1 to September 30 each year. The trail, however, is open throughout the year).

Cedar Swamp Trail - This one-mile long trail is located on [Tyler Road](#), which is located north of Route 50 and south of Route 631. This trail leads through a grassland and a mixed pine/hardwood forested swamp. Look and listen for songbirds in the red maple and Atlantic white cedar trees and owls roosting in the trees.

Also add a link to this map:

[Back to Top of Page](#)



GENERAL HUNTING GUIDELINES

Seasonal deer hunting and migratory game bird hunting are allowed in designated areas of the Refuge under State and Federal regulation. As well as following State regulations, see [this page](#) for Refuge regulations. Please contact Refuge headquarters for additional information. For Delaware Bay Division hunting map, [click here](#). For Great Cedar Swamp Division hunting map, [click here](#). (All maps required Adobe Acrobat Reader).

[Back to Top of Page](#)



ACCESS TO TWO MILE BEACH UNIT

The Two Mile Beach Unit (TMBU) is located in Lower Township south of Wildwood Crest. It is accessed off of Ocean Drive by Loran Drive. TMBU was transferred to the U. S. Fish and Wildlife Service from the U.S. Coast Guard in 1999. As part of Cape May National Wildlife Refuge, the 507-acre site is managed to protect one of the last remaining tracts of undeveloped maritime forest and beach in New Jersey.

The [hiking trail and boardwalk area](#) are open throughout the year. The 0.7-mile-long beach portion of TMBU is closed April 1 to September 30 each year. The purpose of the closure is to provide an undisturbed area for birds that require beach habitat to survive. This includes birds that nest, feed, roost or migrate through the area, such as the Federally threatened [piping plover](#), the State endangered least tern, American oystercatcher, black skimmer, red knot, dunlin, and many other shorebird species.

Between October 1 and March 31 activities such as wildlife observation, photography, nature study, and surf fishing are permitted on the beach portion of TMBU. The following activities are PROHIBITED at all times on any portion of the

Two Mile Beach Unit: swimming, sunbathing, surfing, pets, picnicking, kite flying, shell collecting or entering closed areas.

Edwin B. Forsythe NWR:

VEHICLES

To protect fish and wildlife and the habitat upon which they depend, motor vehicles must stay on main roads and in designated parking areas. Do not drive on the dikes, service roads or off-road. ATV's, snowmobiles or other off-road vehicles are not permitted.

State Parks (Email correspondence):

Tim - I received a copy of your e-mail from the DEP Web site. The Division of Parks & Forestry administers two areas where vehicles are permitted on the beach - Island Beach State Park in Seaside Park, NJ and Corson's Inlet located in Cape May County.

In order to drive your vehicle onto the beach you would need to obtain the Mobile Sportfishing Vehicle Permit. You must have a 4 wheel drive vehicle in order to purchase the permit and drive on the beach. You also are required to have the following mandatory equipment:

fishing equipment & bait/tackle for each person over 12 years of age;
tire guage; spare tire; workable jack & board/support for jack in sand (3/4 in. x 12 x 12 in. plywood square minimum size); tow chain/snatch line; shovel; flashlight; fire extinguisher; auto first aid kit; litter/trash bag; minimum of 1/4 tank of fuel.

The annual permit for Island Beach is \$195. A three day permit is also available for \$50.

Corson's Inlet does not permit vehicles on the beach from May 15-September 15th due to high public visitation and nesting birds. The annual permit for Corson's Inlet is \$50 and would need to be obtained from the Belleplaine State Forest office located in Woodbine.

If interested in obtaining the permit for Island Beach you can do so at the Visitor Contact Station at the entrance to Island Beach.

If you have any other questions, please feel free to e-mail me.

Michele Buckley
Senior Public Information Assistant
Division of Parks and Forestry

New York:

Counties:

Rockland:

GENERAL REFERENCES

Park Commission -- [See Ch. 128.](#)

§ 315-1. Legislative intent.

It is the intent of this chapter to establish rules and regulations for the use of county parks within the County of Rockland in order to provide for the protection, order, conduct, safety, health and well-being of persons and property.

§ 315-2. Definitions.

For the purpose of this chapter, unless otherwise indicated by the context, the following terms shall have the meanings indicated:

ALL-TERRAIN VEHICLE or ATV [Added 3-3-1987 by L.L. No. 2-1987]:

A. Any motorcycle or any motor vehicle not equipped in conformity for registration under § 401, 410, 411-b or 2261 of the Vehicle and Traffic Law of the State of New York, provided that such vehicle does not exceed 60 inches in width or 800 pounds' dry weight.

B. Any motor vehicle registered under Article 48-B of the Vehicle and Traffic Law and manufactured and sold for operation primarily on off-highway trails or in off-highway competitions and only incidentally operated on designated public highways.

BATHING AREA -- Any **beach** or water area designated as a "bathing area."

BRIDLE PATH -- Any path maintained for persons riding on horseback.

COMMISSION -- The Rockland County Park Commission established by the Board of Supervisors of Rockland County. ^{EN}

FOOTPATH or TRAIL -- Any path or trail maintained for pedestrians.

MAJOR LIFE ACTIVITY -- Any function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. [Added 9-7-1999 by L.L. No. 7-1999]

MOTOR VEHICLE -- Any vehicle propelled by motor power, including but not limited to all-terrain vehicles. [Amended 3-3-1987 by L.L. No. 2-1987]

OWNER -- Any person, firm, association, copartnership or corporation owning, operating or having the exclusive use of a vehicle, animal or other property under a lease or otherwise.

PARK -- All lands, parkways, park roads, bridges, spurs, open spaces and boulevards, and also entrances and approaches thereto, buildings, structures, recreational areas and facilities, docks and piers, waters and lands under water, and all other rights and appurtenances under the jurisdiction and control of the Rockland County Park Commission in the County of Rockland.

PERMIT -- Any written license issued by or under the authority of the Commission, permitting the performance of a specified act or acts.

PERSON -- Any natural person, corporation, company, association, joint-stock association, firm or copartnership.

PICNIC AREA -- Any section or area of the park set aside and designated for picnicking purposes.

PLAY AREA -- Any section or area of the park set aside and designated for sports and games.

§ 315-3. Applicability.

This chapter shall apply to all parks under the jurisdiction, management and supervision of the Commission but shall not apply to any public highways as defined in the Vehicle and Traffic Law of the State of New York.

§ 315-4. Permits; liability of permittees.

A permit to do any act shall authorize the same only insofar as it may be performed in strict accordance with the terms and conditions thereof. Any violation by its holder or its agents or employees of any term or condition thereof shall constitute grounds for revocation by the Commission, or by its authorized representative, whose action therein shall be final. In case of revocation of any permit, all moneys paid for or on account thereof shall, at the option of the Commission, be forfeited to and be retained by it, and the holder of such permit together with his agents and employees who violated such terms and conditions, shall be jointly and severally liable to the Commission for all damages and loss suffered by it in excess of money so forfeited and retained; but neither such forfeiture and retention by the Commission of the whole or any part of such moneys nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability to punishment for any violation of any provision of this chapter.

§ 315-5. Preservation of property and natural features.

No person shall:

- A. Injure, deface, disturb or befoul any part of the park or any building, equipment or other property found therein.
- B. Injure, deface, displace, remove or destroy any sign, notice, inscription, post or monument erected or marked for any purpose or any mileboard, milestone, danger sign or signal, guide sign or post or any signaling device, sanctioned, installed or placed by said Commission or by the State of New York or any of its political subdivisions or agencies within the parks for the purpose of directing, restricting or regulating traffic, establishing zones or giving information or directions to the public.
- C. Interfere with any lamp, lamppost, gas or electric light apparatus or extinguish the light therein, except upon proper authority.
- D. Without a permit, attach, string, adjust or place any wire or other object in, on or over any part of any park.
- E. Remove, injure or destroy any tree, flower, shrub, rock or other mineral found therein or set fire or assist another to set fire to any timber, trees, shrubs, grass, leaves, plant growth or any combustible material or suffer any fire upon other land to extend onto any part of the park.

**§ 315-7.
Traffic.**

- A. Traffic control. The Rockland County Park Commission shall have charge and control over all traffic in the park, on the park drives, parkways and in parking areas within the scope of this chapter, and all persons shall comply with directions on traffic signs on or along the route of the parkways or the drives or parking fields in the parks. All persons shall comply with any lawful direction of park personnel or any other person duly empowered to enforce the laws of the State of New York. [Amended 3-3-

1987 by L.L. No. 2-1987]

B. Park roads. The use of park roads is restricted except by permission of the Commission to automobiles classed as pleasure vehicles, excluding, however, such vehicles when adapted to or used for the carrying of commercial goods or materials. No motor vehicles, horse-drawn vehicle or bicycle will be permitted along the footpaths or trails within the park areas, except by permission of the Commission.

C. Parkways. The use of parkways under the jurisdiction of the Commission is restricted except by permission of the Commission to automobiles classed as pleasure vehicles, excluding, however, such vehicles when adapted to or used for the carrying of commercial goods or materials. In order to provide for the maximum safe use of such parkways and to preserve life and limb, the following are forbidden to use such parkways: pedestrians; riders and drivers of horses; bicycles; motorized bicycles, including safticycles and similar types of vehicles; scooters; motorettes and other similar small power-propelled vehicles of two or three wheels, any of which has an overall diameter of less than 15 inches, excluding the tire.

D. Entering and driving off pavement, towing. No vehicle shall enter upon or drive off the improved or paved portion of any park road or parkway except at designated parking areas. Disabled vehicles shall be driven or moved off the paved portion of the park road or parkway so as to prevent obstruction of traffic, but a disabled vehicle shall be permitted to remain in the park or on a parkway right-of-way only until temporary repairs are made or until power can be obtained to remove it. No person shall cause or permit a vehicle to be towed or pushed by another vehicle on a parkway or park road, except that a disabled vehicle may be towed to the nearest exit by a tow truck operated under permission and only by such tow truck. No vehicle shall be parked or left standing except in areas and during such hours and under such conditions as may be designated by the Commission for that purpose. All occupied vehicles parked within the confines of the park during hours of darkness shall display parking lights at all times.

E. Persons or objects on outside of cars. No person shall operate or drive in the park a vehicle containing any person or object projecting or hanging outside or on the top thereof, except that outdoor sports and recreation equipment such as skis, ski poles, fishing rods, beach chairs, beach umbrellas, tent poles, toboggans and sleds may be carried on the rear of such vehicle or on a rack designed for the purpose and attached to the top thereof, provided that, in all cases, fastenings shall be secure and substantial, and provided that such equipment so carried shall in no case project more than 12 inches above the top or to the rear of the customary permanent equipment of such

vehicle.

F. Obstructing traffic. No person shall cause or permit a vehicle to:

- (1) Unnecessarily stop or obstruct traffic on any park road, drive or parkway, except in cases or emergency when traffic conditions make such stopping necessary.
- (2) Be driven at such slow speed as to impede or block the normal and reasonable movement of traffic except when such reduced speed is necessary for safe operation.
- (3) Cross any solid longitudinal traffic line on any park road, drive or parkway.
- (4) Weave in and out of traffic or change its course so as to unreasonably interfere with the right-of-way of any driver on the right or left, or to cut from one lane to another so as to unreasonably interfere with the right-of-way of any driver affected by such change in lanes.
- (5) Enter or swerve into any lane of any park road, drive or parkway in such manner or at such speed as to unreasonably interfere with the right-of-way of any driver on any such park road, drive or parkway.
- (6) Be driven or backed on a lane of a parkway, drive or park road in a direction opposite to that of the movement of traffic in such lane.
- (7) Stop on the improved or paved roadway of a park road, drive or parkway for the purpose of removing or replacing a tire or performing other work or repairs, and no person shall remove or replace a tire or make repairs to a vehicle unless the vehicle is completely off the improved or paved roadway.

G. Vehicles having any name, insignia or sign painted or displayed thereon for business or advertising purposes are prohibited in parks except as provided in this subsection. For purposes of identification, the name and address only of the owner of a

vehicle, on the side thereof, in letters not more than two inches in height, shall not be construed as being displayed for business or advertising purposes. Vehicles owned and operated by governmental agencies, of types normally permitted to operate on the parkways, are excepted from this rule.

H. Licensed ambulances for sick or injured persons shall be permitted to operate over parkways when on emergency service.

I. Nothing contained in this chapter shall apply to the wagons, trucks and apparatus of a Fire Department, Police Department or other law enforcement agency or ambulance or to emergency repair wagons, when responding for emergency work in case of fire, accident, public disaster, impending danger or emergency.

J. Speed limit. In general a rate of speed in excess of 40 miles an hour on any park road or parkway is prohibited. However, on park roads and parkways where a different speed limit is considered to be appropriate, the maximum speed allowed will be indicated by signs.

K. All motor vehicles designated as omnibuses, hearses, trucks, semitrailers or trailers of any type, including self-propelled and non-self-propelled vehicles designated, constructed or adapted for use as dwelling or sleeping quarters, are forbidden to operate over or use a park road or parkway, except as follows:

(1) Omnibuses known as "taxis" will be permitted to operate over a parkway to discharge or pick up passengers at a park or bathing establishment, but in no case will cruising or soliciting of passengers en route be permitted.

(2) No person shall drive or operate within a park any omnibus or other vehicle adapted for more than seven passengers, excluding the driver, except under permit. Omnibuses known as "outing buses" will be permitted to operate by the shortest possible route from outside a park to discharge or pick up their passengers from a picnic or bathing area only if a permit to enter the park has been issued by the Rockland County Park Commission to the organization sponsoring the outing or picnic. Buses must proceed over the route and to the section designated.

L. Hitchhiking. No person shall stop or attempt to stop by any visible or audible sign or signal any vehicle for the purpose of soliciting a ride from the driver of such vehicle, except in cases of emergency.

M. ATV operation; responsibility. [Added 3-3-1987 by L.L. No. 2-1987]

(1) Negligence in the use or operation of an ATV shall be attributable to the owner. Every owner of an ATV used or operated in a county park shall be liable and responsible for death or injury to persons or damage to property resulting from negligence in the use or operation of such ATV by any person using or operating the same with the permission, express or implied, of such owner.

(2) No owner or other person in possession of any ATV shall authorize or knowingly permit any person under 16 years of age to operate such ATV in violation of any provision of this chapter, the rules and regulations of the Commissioner of the New York State Department of Motor Vehicles nor the provisions of any local law or ordinance. No parent or guardian shall authorize or knowingly permit his child, if under 16 years of age, to operate an ATV in violation of any provision of this chapter or rules or regulations promulgated hereunder.

National Wildlife Refuges:

Email response:

We have beaches at the following refuges within the Long Island National Wildlife Refuge Complex: Target Rock NWR in Huntington, NY; Morton NWR in Sag Harbor, NY and Amagansett NWR in Easthampton, NY. Refuge employees may drive on the beach in order to conduct management activities. We would use 4wheel drive vehicles or an atv. However, much of our beaches are closed April 1 to August 31 to protect beach-nesting birds. Our staff would then not drive in the closed areas of the beach due to the disturbance and risk of chick fatality driving may cause. Our staff would not need to drive on the remaining parcel of beach left open during this time because of its limited size.

The only beach open to public vehicular traffic is Amagansett NWR. Vehicular traffic is regulated through the use of closing the area above mean high tide for nesting birds. In addition, once chicks are present, the Town of Easthampton closes off off-road vehicle access to the beach. I hope this information is helpful to you. Feel free to contact me with any additional questions or concerns. Thank you for your interest in the Long Island National Wildlife Refuge Complex. For more information including our press release announcing the beach closures, visit

<http://www.fws.gov/northeast/longislandrefuges/>

Alison Penn
Outdoor Recreation Planner
Long Island National Wildlife Refuge Complex
PO Box 21
Shirley, NY 11967
631-286-0485
Alison_Penn@fws.gov

National Recreation Area:

Need to find out how they regulate beach driving; could not find an email contact, only phone numbers.

North Carolina Regulations:

- I. Counties in North Carolina (regulation where found)
 - A. Currituck County
 1. Motor vehicles are allowed in “public vehicle areas”, which includes the beaches within the county
 2. Motor vehicles are prohibited on the outer banks however, save for cartway’s, neighborhood public roads, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area.
 3. Regulation does not extend to private property
 4. Restricted Areas: “Where there is an improved all-weather road, dedicated to public use and running generally north and south and parallel to the beach strand, all vehicles...on the foreshore and beach strand are prohibited between May 1st and September 30th.
 5. All commercial activities involving motor vehicles...shall be prohibited from operating on the Currituck County Outer Banks, the beach foreshore and the beach strand unless so permitted by the Currituck County Department of Planning and Inspection.
 6. Permit System:
 - a. A permit must be granted to county residents and property owners who want to use mopeds, motorcycles or ATV’s on any of the previously mentioned vehicle areas.
 - b. County residents and property owners may obtain a maximum of Two (2) free permits annually through an application process. Proof of insurance is necessary to receive any permit.
 - c. If you receive a permit, you must display a sticker at all times in a visible area on the vehicle.
 - d. The County Manager is considered the head of the permit system.
 - B. Carteret County
 1. Carteret County requires a permit to drive on the beach and sand dune areas of *Bogue Banks*, which is provided by the licensing authority within Carteret County.
 2. *Bogue Banks* “shall mean that island or strip of land approximately 26 miles in length and bounded on the south by the Atlantic Ocean, on the east by Beaufort Inlet, on the north by Bogue Sound, and on the west by Bogue Inlet. The areas located within the municipal limits on municipalities located on Bogue Banks are expressly excluded from the territory covered by this article.
 - C. Camden County
 1. The municipal code of Camden County does not give any direct regulation for motor vehicle use on the beaches.
 - D. Dare County

1. Between noon on Memorial Day and noon of the first day after Labor Day all motor vehicles (i.e. transportation cars, trucks and motorcycles, and recreational ATV's, dune buggies, beach buggies, etc.) are not allowed anywhere within the beach area for dune protection and public safety.

E. Onslow County

1. The municipal code of Onslow County does not give specific regulation on beach driving. However, they do state that "no person shall drive a vehicle in any park within or upon a safety zone, walk, bridle path, fire truck trail, service road or any part of any park not designated or customarily used for such purposes".

F. New Hanover County

1. The public is allowed to drive on the *dune area* per certain guidelines as noted by the municipal code.
2. *Dune Area* refers to all land lying within 750 feet of the low-water mark of the Atlantic Ocean or inlets adjacent thereto.
3. Provisions in the municipal code relating to *Dune Area* driving restrictions does not apply to emergency vehicles or county official employees with a legitimate reason to drive in the area.
4. Specific Limitations to public beach driving include:
 - a. No racing
 - b. No driving "for hire or for commercial purposes"
 - c. No driving for any purpose other than transportation
5. Specific Restrictions for public beach driving include:
 - a. Must have a valid driving license
 - b. Driving is only allowed below the high water mark or on property within 25 feet adjacent thereto, or on platted roadways
 - c. When on private property, must have consent of the property owner
 - d. ATV's, motor homes, travel trailers, or other trailers of any kind are not allowed
 - e. Speed limit set at fifteen (15) miles per hour (mph) or lower
 - f. Must drive cautiously, with consideration of public safety
6. Prohibited Areas
 - a. "No person shall operate a motor vehicle in this county within the area south of the southern corporate limits of the Town of Kure Beach, east of the eastern right-of-way line of U.S. Highway 421, north of the northern boundary line of the Fort Fisher State Historic Site, and west of the Atlantic Ocean".

G. Pender County

1. Pender County did not list any specific regulation concerning beach driving regulation in municipal code per research.

II. Cities of North Carolina (regulation where found)

A. Sunset Beach

1. The beach strand is closed to the general public for vehicular traffic and ridden animals.

B. Ocean Isle Beach

1. Beach driving is closed to the general public.
2. Beach driving is allowed for emergency vehicle purposes and municipal maintenance.
3. Any person caught in violation of the regulation is subject to a one hundred dollar (\$100.00) fine.

C. Oak Island

1. Municipal regulation for Oak Island implies that only foot access onto the beach is allowed and or available for the public. They maintain the importance of environmental protection and public safety generally as their rationale for these limitations. They claim an abundance of access points to the beach in places where city roads meet the sand dunes.

D. Southport

1. Motor vehicle use is prohibited in the *Public Park or Recreation Area*, which includes all public beaches and beach access points. However, the prohibition does not apply to activities sponsored or supervised by the parks and recreation department.

E. Kure Beach

1. Public beach driving is prohibited as stated in the city municipal code.

F. Topsail Beach

1. The municipal code explains their beach driving regulations under the following rationale:
 - a. “In order to prevent and abate nuisances on public and private property, to minimize the possible adverse environmental impact on dunes and vegetation, and to supervise and regulate in the interest of public health safety, comfort, convenience and welfare...”
 - b. Beach access driving regulations – access is denied from April 1st (or the Thursday before Easter at 12:01 a.m. (whichever comes first)) to September 30th at 12:00 midnight every year. However, this restriction does not apply to persons with special needs.
 - c. Only factory manufactured Four-wheel drive vehicles are allowed, and they require a “town permit” to gain access to the beach during the time of year in which they are allowed. The permit is subject to a fee decided by the permitting body, and must be displayed on the vehicle, which also must be properly registered and licensed. The permit is not transferable to other people or vehicles, and can be revoked. Permits can be obtained for a seven day period or on a seasonal basis.
 - d. The speed limit is set at fifteen (15) miles per hour (mph)
 - e. Driving on the sand dunes or “closer than ten (10) feet to the front toe of a frontal dune is prohibited”.

- f. Motor vehicle use is generally limited to commercial or sport fishing and construction. Vehicles on the beach must have proper equipment for said purposes to be driving on the beach (i.e. fishing pole and tackle or construction equipment).
- g. Access to the beach strand is at designated access points only.
- h. “Town officials may restrict or close the beach to vehicular access at any time for safety reasons, or to protect the dune structure during unusually high tides”.

G. Surf City

- 1. Beach driving is limited to “plant manufactured” Four-wheel drive vehicles, and only allowed access by way of designated access points.
- 2. Anyone who would like to drive on the beach must obtain a permit from the chief of police. The permit costs a “per vehicle” fee, is nontransferable, must be displayed on the lower right side of the windshield, and can only be obtained for properly registered and licensed vehicles.
- 3. Limitations to access for permitted vehicles:
 - a. It is not permissible to drive within the corporate limits of the city from May 15th to September 10th, except for vehicles transporting people with special needs as permitted.
 - b. Vehicles are only allowed in designated beach areas. Also, the “town manager” can shut down additional areas as they see fit for reasons such as erosion and public safety.
 - c. Access is only allowed between sunrise and sunset, except for commercial fishing purposes as permitted under city municipal code.
 - d. Access is limited to commercial or sport fishermen; joyriding is not allowed.
 - e. Overnight parking is not allowed.
- 4. Exemptions and exceptions to the limitations are for emergency and city officials when necessary.

H. Carolina Beach

- 1. There is a designated “Public Vehicular Area” which sets restricted (i.e. the sand dune and vegetation area, and the wet sand area) and authorized areas for vehicle use.
- 2. The “Public Vehicular Areas” are established by markers, fences, boundary lines, etc.
- 3. Access to the “Public Vehicular Area” for motor vehicles is set by a permitting system for properly licensed vehicles, designated vehicles for the handicapped, and special purpose vehicles (as designated by the Town Manager).
 - a. Permits are given on a daily and annual basis. Day permits must be hung from the rearview mirror, and annual permits must be displayed on the lower right hand side of the front windshield of the vehicle.

- b. Permits can be revoked without refund for violation of local or state laws or ordinances.
- c. Permits are non-transferable.
- d. The charge for day and annual permits is established by the annual budget of the Town of Carolina Beach.
- e. According to which permit you purchase, your access is granted on a twenty-four (24) hour and seven (7) days a week basis, unless otherwise specified by the Town Council of the Town of Carolina Beach.
- f. A speed limit is set at fifteen (15) miles per hour (mph).
- g. Protection of the wildlife is of the utmost concern, and any action which affects the wildlife negatively is cause for permit revocation.

I. Emerald Isle

1. Beach driving is permitted during the following time periods:
 - a. From and including September 15th until and including the Thursday prior to Easter Sunday.
 - b. From and including the Monday that occurs 8 days after Easter Sunday until and including April 30th.
 - c. This prohibition does not apply to commercial fisherman holding valid state licenses while engaged in commercial fishing activities.
2. Beach driving is only allowed on certain parts of the beach.
3. Beach driving access is allowed through a permit system.
4. Permits are granted based on the following requirements:
 - a. You must have a valid drivers' license.
 - b. Your vehicle must pass an inspection.
 - c. Your vehicle must be four-wheel drive and insured to meet the minimum liability insurance per regulation, and the vehicle must be properly licensed and registered.
 - d. Senior citizens age sixty-five (65) years or older and handicapped persons of any age will be issued a unique permit. The senior citizen or handicapped person who is issued the permit shall be in the vehicle at the time the vehicle is being driven on the beach.
 - e. Permits are issued by the Town Manager, in which applicants must read and sign a form concerning the said regulations, which states that they will follow the rules of beach driving.
 - f. The permit is subject to a fee set by the board of commissioners, and may be changed as necessary.
 - g. Permits may be revoked at the discretion of the Town management.
 - h. Signs are posted designating access points.
 - i. The Town Manager may close a section or the entire beach to motor vehicle access as they see fit.
 - j. The speed limit is set at twenty (20) miles per hour (mph)

- k. Littering is strictly prohibited.
 - l. Permitted vehicles may only drive from:
 - 1. 5:00 a.m. until 9:00 p.m. daily from and including September 15th until and including October 31st.
 - 2. 5:00 a.m. until 7:00 p.m. daily from and including November 1st until and including March 31st.
 - 3. 5:00 a.m. until 9:00 p.m. daily from and including April 1st until and including April 30th.
 - m. Endangered Species and other wildlife is of the utmost concern, and therefore any harm to the wildlife is prohibited.
 - n. Public safety and maintenance vehicles are exempt from these regulations.
 - o. Violation of these regulations is subject to a fine of no more than five hundred dollars (\$500.00).
- J. Atlantic Beach
- 1. Motor vehicle use is not allowed from mid-March and October 1st every year, except commercial fisherman with a valid state fishing license who is engaged in an actual fishing activity.
 - 2. Outside of the restricted months, beach driving is allowed with a proper permit, and according to the following regulations:
 - a. Access to the beach is allowed only at posted/designated access points.
 - b. Applicants for a permit must have a valid drivers' license and present the vehicle they plan to use for inspection at the time of permitting.
 - c. The vehicle must have four-wheel drive capabilities and be properly insured.
 - d. You must properly display you permit on your vehicle at all times while operating on the beach.
 - e. The permit is subject to revocation. However, under certain circumstances, the person who has their permit revoked may appeal in writing within ten (10) days of revocation.
 - f. The speed limit is set at twenty (20) miles per hour (mph).
 - g. Beach access is not allowed from sunset to sunrise, unless you give proper notification to the town police, and they give their consent.
 - h. Pedestrians and swimmers have the right-of-way.
 - i. Public safety and management vehicles are exempt from these regulations.
- K. Nags Head
- 1. Vehicle use is not allowed on the beaches unless you first obtain a permit. However, even if you do obtain a permit, vehicle use is not allowed from 12:01 a.m. on May 1st and 12:00 midnight on September 30th of each and every year.
 - 2. Permits are subject to the following:

- a. The vehicle must be properly registered and licensed, and pass an inspection by the designated governing body
- b. Permits are granted only for the vehicle applied for; you must get a permit for each vehicle if you plan to use multiple vehicles. However, if the vehicles are being used for commercial fishing, and you have a valid state fishing license, the vehicles have passed inspection, and are all titled under the same owner, upon payment for the initial permit, duplicate permits can be obtained for the additional vehicles.
- c. Short term permits of up to fourteen (14) days can be obtained for fishing tournaments provided that an application is received three weeks in advance, and in the application the applicant specifically lists the dates needed for the tournament.
- d. Permit stickers must be displayed on the left front bumper of the vehicle for annual permits, and permits for fishing tournaments must be in plain sight in the vehicle while be operated on the beach.
- e. Permits are subject to a set fee.
- f. Permits do not give a vehicle user the ability to drive on private property.
- g. The speed limit is set at twenty-five (25) miles per hour (mph).
- h. Vehicles are only allowed on the beach from one half hour prior to sunrise until one half hour after sunset.
- i. Reckless driving is grounds for permit revocation (i.e. driving to fast, under the influence of drugs and or alcohol, etc.).
- j. Public safety and maintenance vehicles are exempt from these regulations.
- k. The date restriction and time of day restriction do not apply to commercial fishermen engaged in fishing activities.
- l. The Town Manager can decide to close down any part or the entire beach as they see fit.
- m. The Town Manager may also give temporary permits on a case by case nature as they see fit.

L. Kitty Hawk

1. Beach driving is limited in this municipality to:
 - a. Commercial fisherman holding valid state commercial fishermen's license when engaged in commercial fishing activities.
 - b. Town employees, town vehicles or emergency vehicles or the drivers thereof, which may be required to enter upon the beach in the performance of their duties.
 - c. A government agency, its employees, agents, contractors and subcontractors and their vehicles when engaged in beach restoration or protection work.
 - d. Drivers who are participating in town approved civic, governmental, or charitable events utilizing the ocean beach

and fishing tournaments...during the posted hours of the special event or tournament

III. State Regulation

A. Statewide Comprehensive Outdoor Recreation Plan

1. Outdoor Recreation Issues – “No single standard can be accurately applied to all of North Carolina...recreation needs should be determined by the preferences of the people in the market area, the existing recreation resources, levels of tourism, and the characteristics that make the area unique”.
2. In 1974, the North Carolina General Assembly passed the Coastal Area Management Act (CAMA) to protect and manage coastal resources. This legislation promotes proper use of coastal resources through the Division of Coastal Management of the Department of Environment and Natural Resources. This Act specifically addresses access to beaches, but not motor vehicle access.
3. This plan does not specifically address a uniform state regulation for beach driving, but does ask for a balancing of the needs and interests of user groups involved with beach use.

IV. State Park Regulation

A. State Parks Act:

1. “The heritage of the people should be preserved and managed by those people for their use and for the use of their visitors and descendents”.
2. The Act demonstrates how and why parks should be established, but does not give specific regulation for motor vehicle use on the beach.

B. Fort Fishers State Recreation Area

1. According to the State Parks Division, Fort Fishers is the only State Park that allows beach driving.
2. Four-wheel drive vehicles are allowed from:
 - a. March 15th to March 31st – 8:00 a.m. to 6:30 p.m.
 - b. April and May – 8:00 a.m. to 7:30 p.m.
 - c. June, July, and August – 6:00 a.m. to 8:30 p.m.
 - d. September 1st to September 14th – 6:00 a.m. to 7:30 p.m.
 - e. September 15th to March – twenty-four (24) hour access
3. Restrictions for four-wheel drive vehicles
 - a. You must purchase a permit (\$10.00 dollars for a day permit and \$40.00 for annual permit).
 - b. Drivers must stay on designated paths and drive with concern for vegetation, wildlife and the general public. Further, drivers must take extreme precaution for the listed endangered species in the park, including the Loggerhead Sea Turtle, Piping Plover. Harm to an endangered species can result in federal action.

V. National Wildlife Refuges (NWR)

- A. Cedar Island and Mattamuskeet (NWR)
 - 1. Both Cedar Island and Mattamuskeet NWRs are regulated by Mattamuskeet NWR.
 - 2. There is an established entrance road and a wildlife drive. Although there is no established regulation found for beach driving, the regulations for the two NWRs insinuate that beach driving is not allowed.
- B. Currituck NWR and Mackay Island NWR
 - 1. Both Currituck NWR and Mackay Island NWR are managed at Mackay NWR.
 - 2. Currituck NWR and Mackay NWR both have developed access roads, so that beach driving is unnecessary. However, Mackay Island NWR has “open roads days” in which the public may drive on any trail they want.

North Carolina

Counties:

Currituck County:

The term "**public vehicular area**" also includes any beach area used by the public for vehicular traffic as well as any road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. The term "public vehicular area" shall not be construed to mean any private property not generally open to and used by the public.

Sec. 10-55. Locations where use prohibited.

(a) **No vehicles, mopeds, motorcycles or motor vehicles shall be operated and no horses shall be used on the Outer Banks except on a cartway, a neighborhood public road, a dedicated right-of-way, the foreshore or beach strand or any other public vehicular area.**

(b) **This section shall not apply to vehicles, horses, mopeds, motorcycles, or motor vehicles operated on private property with the permission of the owner.** The owner must be present or written evidence of the owner's permission furnished.

(Ord. of 6-19-89, § 5)

Cross references: Wild horses generally, § 3-26 et seq.

Sec. 10-61. Destruction of natural features prohibited.

No person shall operate any vehicle, moped, motorcycle or motor vehicle or use any horse on or across any dune barrier or in such a manner as would destroy natural vegetation.

Sec. 10-63. Restricted areas.

(a) Where there is an improved all-weather road, dedicated to public use, and running generally north and south and parallel to the beach strand, all vehicles, mopeds, motorcycles or motor vehicles on the foreshore and beach strand are prohibited between May 1 and September 30. This section shall apply specifically to, but is not limited to, the foreshore and beach strand adjacent to the Ocean Sands Subdivision and the Whalehead Subdivision extending from the Dare County line to the north side of the North Beach Access Ramp at North Beach Access Road.

(b) **All commercial activities involving motor vehicles, mopeds and horses shall be prohibited from operating on the Currituck County Outer Banks, the beach foreshore and the beach strand unless so permitted by the Currituck County Department of Planning and Inspections.** This includes vehicles used to tow hang gliders.

(c) **Overnight camping of any type is prohibited on the Currituck County Outer Banks, the beach foreshore and the Beach Strand.**

(Ord. of 6-19-89, § 7; Ord. No. 92-7, § 3, 9-8-92; Ord. of 4-6-98, § 6; Ord. of 7-6-98)

Sec. 10-64. Permit system (county residents and property owners only).

(a) This section shall be applicable for those areas of Currituck County, including but not limited to the beach strand and foreshore areas, located from the Dare/Currituck line to the North Carolina/Virginia line.

(b) County residents and property owners desiring to operate a moped, motorcycle or ATV on the areas covered by this section shall obtain a permit from the county manager or his designated representative. Permits may be obtained at the satellite office in Corolla or at the county manager's office during normal business hours and at such other times and places as may be designated by the county manager.

(c) County residents and property owners may obtain at no fee a maximum of two annual permits upon making application as provided in section 10-64(b) above. Will need to show proof of insurance on ATV.

(d) County residents and property owners, operating mopeds, motorcycles or ATV's shall ensure that these vehicles have a valid permit prominently displayed at all times while operating, parked, or being trailered on the Currituck County Banks, beach foreshore or beach strand.

(e) The county manager is directed and authorized to establish forms, procedures, and directives as may be required to implement this permit system and ensure that it is run in an effective, safe, and fair manner.

(Ord. of 4-6-98, § 7; Ord. of 10-19-98; Ord. of 7-3-00)

Secs. 10-65--10-80. Reserved.

Carteret County:

Bogue Banks shall mean that island or strip of land approximately 26 miles in length and bounded on the south by the Atlantic Ocean, on the east by Beaufort Inlet, on the north by Bogue Sound, and on the west by Bogue Inlet. The areas located within the municipal limits of municipalities located on Bogue Banks are expressly excluded from the territory covered by this article.

Sec. 12-30. Summer use prohibited.

It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes of Bogue Banks between June 1 and Labor Day of each year. This section shall not apply to vehicles operated by commercial fishing activities.

Sec. 12-31. Permit required.

It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes area of Bogue Banks without displaying visibly on the vehicle a permit authorizing the use or travel upon the beach and dune areas duly issued by the appropriate licensing agency as set forth herein.

Camden County:

§ 92.02 PROHIBITED USES.

The following uses are prohibited on the Senior Trail and shall be unlawful uses of the Senior Trail:

(A) Skateboarding;

(B) Rollerblading;

- (C) Bicycling;
- (D) Soliciting;
- (E) Discharging firearms or fireworks;
- (F) Consuming alcoholic beverages;
- (G) No docking or wharfage;
- (H) Hunting;
- (I) Domesticated animals or livestock, except guide dogs for the blind or visually impaired; and
- (J) Operation of any motorized vehicle, except a motorized vehicle designed principally for the transport of a handicapped person. No motor vehicle having a weight of 200 pounds or more is allowed on the Senior Trail.**

Dare County:

§ 99.02 DUNE BUGGIES, CARS, TRUCKS AND THE LIKE PROHIBITED IN CERTAIN AREAS DURING CERTAIN TIMES.

(A) Between noon on Memorial Day and noon of the first day after Labor Day of each year all dune buggies, beach buggies, jeeps, motorcycles, cars, trucks and all other mechanically power driven vehicles, by whatever name called, shall be prohibited on the foreshore or beach strand of the county lying between Currituck County and the Town of Kill Devil Hills between the waters of the Atlantic Ocean and the dune protection line described in this section

Onslow County:

Sec. 12-12. Vehicles prohibited in certain areas.

No person shall drive a vehicle in any park within or upon a safety zone, walk, bridle path, fire truck trail, service road or any part of any park not designated or customarily used for such purpose.

(Ord. of 8-20-79, § 12)

Cross references: Motor vehicles and traffic, Ch. 10.

New Hanover County:

DIVISION 1. GENERALLY

Sec. 53-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dune area means all land situated in this county and lying within 750 feet of the low-water mark of the Atlantic Ocean or inlets adjacent thereto.

(Code 1978, § 10-16; Ord. of 8-6-2001)

Cross references: Definitions generally, § 1-2.

Sec. 53-32. Exceptions.

The provisions of this article shall not be applicable to emergency vehicles, including ambulances, rescue and firefighting vehicles, when operated for emergency purposes to save or protect human life or property.

(Code 1978, § 10-17)

Sec. 53-33. Limitation.

No person shall operate a motor vehicle in the dune area for the purpose of racing, for hire or for commercial purposes, or for any purpose other than transportation.

(Code 1978, § 10-18)

Sec. 53-34. Restrictions.

No motor vehicles may be operated in the dune area except as follows:

- (1) By a person licensed to drive a motor vehicle on the public highways;**
- (2) Either below the high water mark or on property within 25 feet adjacent thereto, or on platted roadways;**
- (3) If on private property, with permission of the owner of the property;**
- (4) A motor vehicle weighing less than 5,000 pounds, except that no all-terrain vehicles (ATVs), motor homes, travel trailers, or other trailers of any kind including personal watercraft trailers, shall be allowed;**
- (5) At a speed of 15 miles per hours or below; and**
- (6) In such a manner as not to endanger persons in the dune areas, adjoining areas, or in the water.**

(Code 1978, § 10-19; Ord. of 8-6-2001)

Sec. 53-35. Prohibited area.

No person shall operate a motor vehicle in this county within the area south of the southern corporate limits of the Town of Kure Beach, east of the eastern right-of-way line of U.S. Highway 421, north of the northern boundary line of the Fort Fisher State Historic Site, and west of the Atlantic Ocean.

(Code 1978, § 10-20)

Pender County:

Called the County Manager's Office, no help (910-259-1200); called parks and rec, no answer, will try them again (910-259-1330)

Cities:

Sunset Beach:

§ 71.08 DRIVING OR RIDING ON SAND DUNES PROHIBITED.

No person shall ride an animal or operate a motor vehicle, that term specifically including automobiles, trucks, motorcycles, dune buggies or any other similar machine, on or over any sand dune lying within the town limits.

(Prior Code, § 71.08) (Ord. 71.8.2, passed 8-2-71)

Cross references: Penalty, see § 70.99

§ 71.09 BEACH STRAND CLOSED TO VEHICULAR TRAFFIC AND RIDDEN ANIMALS.

The beach strand is closed to the general public for vehicular traffic and ridden animals.

(Prior Code, § 71.09) (Ord. 77.9.5-3, passed 9-5-77)

Cross references: Penalty, see § 70.99

Ocean Isle Beach:

Sec. 22-124. Prohibited activities.

(a) **It shall be unlawful for any person or vehicle to cross any portion of the frontal dune** except for official town business or for emergency access purposes unless such crossing is over a ramp and/or stairs in compliance with this chapter. The penalty for failure to adhere to this requirement is \$100.00 per violation.

(b) In those instances where a residence or other structure is located in close proximity to the frontal dune, stormwater runoff shall be controlled by the property owner to prevent erosion of any portion of the frontal dune. Under no circumstances shall stormwater runoff be diverted seaward of the frontal dune by any property owner.

(Ord. of 8-8-2000(1), § 1)

Secs. 22-125--22-174. Reserved.

Oak Island:

Sec. 14-123. Purpose and intent.

Dunes, berms, and the public beach are the first lines of protection against hurricanes, seasonal storms, natural erosion and other forces generated by the Atlantic Ocean. This article serves to protect, preserve, and promote the natural and manmade dune structures relied upon by the town to provide protection against the eroding effects of wind and water. This article shall also provide regulations to protect the health, safety, and general welfare of the citizens and visitors to the beaches of the town. It is also the intent of this article to promote awareness and protection of the habitat utilized by nesting sea turtles and other wildlife along the beachfront areas of the town. The town acknowledges that environmentally sensitive issues such as beach renourishment and the protection of endangered wildlife are among its responsibilities in cooperation with other state and federal regulatory agencies, and that the town must exercise its local initiatives to provide and promote an effective program for protection of its ocean beaches.

Sec. 14-124. Territorial coverage.

This article shall apply to dunes, berms, and any other landform or sand project placement or management areas, both natural and manmade, and the vegetation located thereon, from the "mean low water mark" extending landward to the "mean high water mark" as surveyed by the USACE in January 2000; to a distance equal to the Ocean Erodible Area and/or Inlet Hazard Area as shown on maps compiled by the Division of Coastal Management, whichever distance is further landward. The maps shall be available for public review at the Development Services Department.

Sec. 14-125. Use and development coverage.

This article shall be applicable to all use of and development on ocean beaches in the town. Included, but not limited to the following, are types of uses and development activity to which this article applies. Specifically, this article is applicable to all oceanfront property owners intending to construct, repair or replace decks, walkways, and/or steps for the purpose of gaining access to the public ocean beach from private property along the oceanfront in the town. **This article applies to all persons crossing ocean beaches for the purpose of gaining access to the beaches and Atlantic Ocean.**

Sec. 14-128. Exemptions.

Exempted from this article is the removal of sand, seashells, or similar materials for souvenirs in amounts that can be carried on the person; or damage caused by rescue vehicles in an attempt to gain emergency access to the public beach.
(Ord. of 3-12-2002, ch. 5, art. 1, § 1.4)

Sec. 14-129. Access provisions.

(a) Town-owned and maintained street-end access points will employ sand walkovers, except those required to be elevated by the PCA in the sea turtle project and at town-designated disability access sites.

(b) For the purpose of establishing access points between town-owned and maintained street-end access points, sand walkover access paths shall be located at approximately 180-foot intervals in 750-foot wide blocks, and at approximately 157-foot intervals where blocks between town-owned street-end access points are approximately 320 feet wide. Town staff is authorized to vary distances between access points established between town-owned street-end access points as may be necessary to accomplish as nearly as possible equal distance between access points. Access paths in the sea turtle project area shall be approximately six feet wide, except in those areas designated for emergency vehicle access and town equipment access, which may be up to ten feet in width. Access paths outside the sea turtle project and the harbor project shall be up to ten feet in width as town staff determines necessary for emergency vehicle access and access for town equipment. Emergency vehicle and town equipment access points shall be designated by town staff and clearly marked as such. Unless required by the USACE pursuant to the PCA or other USACE agency rule, wooden walkways or walkovers from private property onto public property will not be permitted. For purposes of this article, private property ends and public property begins at the mean high water mark as surveyed by the U.S.

Army Corps of Engineers prior to placement of sand for the sea turtle project or other sand placement projects.

(c) To protect and promote the vegetation placed by the town on the new sand dunes as required by the PCA in the sea turtle project and for the purpose of protecting and promoting vegetation placed by the town on the new sand dunes in the area of the harbor project, pedestrian traffic shall not be allowed across sand dune areas vegetated by the town. The town shall install sand fencing along the landward side of the new sand dune, and post and rope fencing on the seaward side of the new dune in the area of thesea turtle project. In the area of the harbor project, similar sand fencing and/or post and rope fencing shall be put in place as areas are vegetated by the town or its volunteers. Consistent with the number of access paths required in subsection (b) of this section between town-owned street-end access points, exact location of sand fencing and post and rope fencing on the sand dunes in the area of the harbor project may be varied in the discretion of town staff as the beach profile and vegetation patternsbecome more established. Sand fencing will be placed in a "U" configuration at accesses. (From "U", post and rope will be used to mark and delineate access.)

(d) Garbage receptacles will be placed by the town on the seaward side of each town-owned street-end access point and also on the landward side of the street-end access points. Other garbage receptacles may, at the discretion of town staff, depending upon the amount of usage, be placed on the seaward and/or landward side of nonstreet-end access points.

(e) Individual oceanfront property owner access to the public beach will continue as before, and placement of sand fencing and rope and post fencing shall not be done in such a manner as would impair an oceanfront property owner from direct entry onto the public beach from his private property. For the purposes of this article, private property ends and public property begins at the mean high water mark as determined by the USACE survey in January 2000.

(Ord. of 3-12-2002, ch. 5, art. 1, § 1.8)

Southport:

Public park or recreation area: Means any park, public beach or beach access, playground, athletic field, public area utilized for recreation purposes, or facility utilized primarily for public recreation activities.

Sec. 12-41. Prohibited activities at park.

(a) The following activities are hereby expressly prohibited at the Southport Waterfront Park and on the city's waterfront:

- (1) Consumption of malt beverages and unfortified wine.
- (2) Bicycle and skateboard riding.
- (3) Fishing and swimming.
- (4) Overnight camping.
- (5) Motorized vehicles.**
- (6) Cooking.
- (7) Sports or athletic activities.

(b) The prohibitions set forth herein shall not apply to any activity sponsored or supervised by the parks and recreation department.
(Ord. of 10-10-85(1), § 5.62)

Kure Beach:

Sec. 10-69. Vehicles prohibited in certain areas; exceptions.

(a) **It shall be unlawful for any person to drive or propel along and over any sidewalk situated in the town or upon and along the strand or beach front of the Atlantic Ocean** or upon any area designated as a public park or playground any automobile or other motor propelled vehicle.

Topsail Beach:

DIVISION 3. ON BEACH STRAND

Sec. 10-71. Purpose.

In order to prevent and abate nuisances on public and private property, to minimize the possible adverse environmental impact on dunes and vegetation, and to supervise and regulate in the interest of public health, safety, comfort, convenience and welfare, the board do enact the provisions of this division.

(Code 1979, § 7-1071)

Sec. 10-72. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessways means designated points or easements where vehicles may legally travel from public roads to the beach strand.

Beach strand (permitted driving area) means the area of the beach below mean high water adjacent to the Atlantic Ocean, Topsail Inlet, and Banks Channel. (Topsail Sound)

Frontal dune means the dune closest to the beach strand.

Handicapped person means a handicapped person as defined in G.S. § 20-37-5.

Motor-driven vehicles means any vehicle capable of transporting persons or property, consisting of two (2) or more wheels and propelled by a gasoline, electric, or other type of motor.

Sand dune area means any area at Topsail Beach landward of the mean high water mark on the ocean front, the sound, Topsail Inlet, and the Surf City line containing mounds of sand.

(Code 1979, § 7-1072; Ord. No. 93-001, § 1, 1-13-93)

Sec. 10-73. Beach access driving regulations.

(a) No person shall park, operate or otherwise allow their motor-driven vehicle to be parked located upon or driven over the beach strand, sand dune areas, frontal dunes and any area between the beach strand and frontal dune and/or sand dune area within the town at any time between April 1 or the Thursday before Easter at 12:01 a.m. (whichever

is earlier) and September 30 at 12:00 midnight of each year. Provided, however, that the restrictions contained in the subparagraph shall not apply to handicapped persons as defined herein.

(b) Four-wheel drive vehicles possessing valid town permits shall be allowed on the beach strand at any time, twenty-four (24) hours a day, during the period beginning at 12:01 a.m. October 1; of each year and ending at 12:00 midnight on March 31 or the Thursday before Easter of the next year (whichever is earlier). Provided, further, that motor-driven vehicles operated by handicapped persons as defined herein and possessing valid town permits shall be allowed on the beach strand as provided in this division at all times of the year. Provided, however, that during the periods of April 1 through September 30, motor-driven vehicles operated by handicapped persons shall only be allowed on the beach strand between sunrise and sunset.

(c) No motor-driven vehicle shall be allowed on any portion of the beach strand adjacent to the Atlantic Ocean and lying north of Drum Avenue.

(d) No motor-driven vehicle shall be allowed on the following:

(1) The sand dune area;

(2) Closer than ten (10) feet to the front toe of a frontal dune.

(e) No motor-driven vehicle shall be allowed on the beach strand unless the vehicle is a factory manufactured four-wheel drive vehicle. Provided, however, that the restrictions contained in this subparagraph shall not apply to handicapped persons as defined herein.

(f) The speed of any motor-driven vehicle operating on the beach strand shall not exceed fifteen (15) miles per hour.

(g) Any motor vehicle on the strand must be engaged in either a commercial fishing, sports fishing or construction capacity. There shall be no joyriding allowed. The possession of fishing equipment or construction equipment shall be required. Provided, however, that the restrictions contained in this subparagraph shall not apply to handicapped persons as defined herein.

(h) No motor-driven vehicles shall at any time cross to the beach strand unless crossing is at accessways designated by the board as vehicular crossings.

(i) Pedestrians, swimmers and sunbathers shall have the right-of-way over all vehicles being operated on the beach strand.

(j) Police vehicles, ambulances, municipal vehicles and fire vehicles are exempt from this division.

(k) No motor vehicle is allowed to park at any point north of the designated marker located on the beach strand. This marker shall be located approximately five-tenths (0.5) miles south of the Drum Avenue vehicle access.

(l) Town officials may restrict or close the beach to vehicular access at any time for safety reasons, or to protect the dune structure during unusually high tides.

(Code 1979, § 7-1073; Ord. of 10-20-88; Ord. No. 93-001, § 2, 1-13-93; Ord. No. 00-008, §§ 1--4, 9-27-00; Ord. No. 04-05, § 1, 11-10-04)

Sec. 10-74. Permit requirements.

(a) Prior to any motor vehicle being driven, parked, or otherwise located on the beach strand, the owner or operator shall first obtain a permit to do so. This permit shall be issued at a cost in accordance with the regularly adopted fee schedule of the town at the time of issuance of the permit and the owner or operator will receive a device or insignia

which must be displayed only on the vehicle as designated in the permit, which permit shall not be transferable to any other vehicle or person. If any person drives or leaves a vehicle parked on the beach strand, and that vehicle does not have the required permit, that person shall be in violation of this division.

(b) All vehicles herein granted permits to be driven, parked, or otherwise located on the strands shall have currently valid state licenses and registrations. All drivers must have valid drivers licenses.

(c) If for any reason, the police or administrative departments are unable to identify the driver of a vehicle in violation of this division, then the owner of that vehicle shall assume full responsibility for any violations involving his vehicle.

(d) All permits to drive on the beach strand shall be issued by the police or administrative departments.

(e) Permits shall be issuable as seasonal permits and/or seven-day permits. Seasonal permit holders shall be issued a permit in a form different from weekly or seven-day permits. The issuing person, if not a member of the police department, shall as soon as reasonable, provide the police department with a photostatic copy of the weekly or seven-day permit, and shall instruct the permit user to conspicuously display the permit in the left-hand portion of the permitted vehicle's front windshield.

(f) The cost of a seven-day permit initially shall be ten dollars (\$10.00) but may be amended from time to time as provided for in subsection (a) of this section.

(Code 1979, § 7-1074; Ord. of 2-14-85)

Sec. 10-75. Closure.

The board shall have the authority to close any part or all of the beach to vehicular traffic or to amend the times during which vehicles are allowed on the beach as specified in section 10-73 if, in the opinion of the board, vehicular traffic is detrimental to the health, safety and welfare of pedestrians, property, sand dunes or wildlife.

(Code 1979, § 7-1075; Ord. No. 93-001, § 3, 1-13-93)

Surf City:

ARTICLE II. VEHICLES*

***Cross references:** Traffic and motor vehicles, Ch. 17.

State law references: Municipal authority to regulate power-driven vehicles on beach, G.S. 160A-308.

Sec. 4-31. Designated crossing area.

No motor vehicle shall, at any time, be allowed to cross the beach strand within the corporate limits, unless crossing is accomplished at a point designated as a vehicular crossing. The designated crossing area shall be the area comprising the right-of-way of Kinston Avenue just south of the town pier.

(Code 1977, § 6-10)

Sec. 4-32. Certain vehicles prohibited; speed limit.

No vehicle shall be allowed on the beach strand unless the vehicle is a plant manufactured four-wheel drive vehicle. Vehicle is defined as any device in, upon, or by which any person or property is or may be transported, provided that for purposes of this article, a ridden animal shall be deemed a vehicle. Speed on the beach strand shall not exceed fifteen (15) miles per hour.

(Code 1977, § 6-11; Ord. No. 1981-4, 10-6-81; Ord. No. 1998-9, § 1, 7-7-98)

Sec. 4-33. Vehicle permits.

All vehicles referred to in section 4-32 may be allowed access to the beach strand; provided, that the operators of the vehicles obtain a permit to do so from the police chief. This permit shall be issued at the current fee per vehicle. The permit is nontransferable and shall have on it the license number of the vehicle. The permit shall be displayed on the lower right side of the vehicle windshield.

(Code 1977, § 6-12; Ord. No. 1985-9, § 1, 9-9-85)

Sec. 4-34. When and where vehicles permitted.

The following limitations shall apply to the use of vehicles on the beach by those persons who have obtained vehicle permits for same.

(1) No vehicles shall be allowed on the beach strand within the corporate limits from May 15 in any one year through September 10 of the same year, except that vehicles transporting persons with disabilities shall be allowed to drive to the beach year around in an area from the designated crossing area to a point one thousand (1,000) feet south.

(2) No vehicles shall be allowed on the beach except in the beach area between the 1300 block of South Shore on the south and Dolphin Street on the north. Vehicle use may also be barred in additional areas if the town manager finds that beach erosion and/or high tides have rendered an area of the beach unsafe for vehicle use.

(3) No vehicles shall be allowed on the beach strand after sunset and before sunrise, except that commercial fishing activities specifically allowed by law shall be permitted.

(Code 1977, § 6-13; Ord. No. 1992-6, § 1, 3-10-92; Ord. No. 1992-10, § 1, 6-2-92; Ord. No. 2001-11, § 1, 4-3-01)

Sec. 4-34.1. Special event permits.

Notwithstanding the other provisions of this article, the town council may issue, or delegate to the town manager authority to issue, special permits for special events which include the use of vehicles on the beach, including not-for-profit fundraising events, not-for-profit community events, and municipally-sponsored events or activities. The issuance of such permits may be accompanied by conditions designed to protect the public safety, health, and welfare.

(Ord. No. 2001-10, 3-14-01)

Editor's note: On January 3, 2002, the council delegated authority to the town manager to issue special events permits.

Sec. 4-35. Permitted vehicles to be engaged in fishing; joyriding; driving on dunes.

Any vehicle on the strand must be engaged in either a commercial fishing or sports fishing capacity. There shall be no joyriding allowed. No vehicle shall be driven on the dunes.

(Code 1977, § 6-14)

Sec. 4-36. Overnight parking.

There shall be no overnight parking or camping on the strand.

(Code 1977, § 6-15)

Cross references: Stopping, standing and parking, § 17-101 et seq.

Sec. 4-37. Exemptions and exceptions.

Police, fire, and rescue vehicles, town maintenance vehicles, vehicles of contractors performing work for the town, and vehicles performing storm recovery or beach restore work under proper permits from the town and the state are exempt from this article. The town council may permit, by issuance of special permission with any conditions it deems appropriate, vehicle use on the beach in any part of the corporate limits, for special event.

(Code 1977, § 6-16; Ord. No. 2001-11, § 2, 4-3-01)

Carolina Beach:

Sec. 11-49. Public vehicular area.

(a) *Restricted areas.* Closed areas refer to areas west of markers, fences and other visible marking devices that establish boundaries which prohibit entry by vehicles and pedestrians. At no time shall any vehicle or pedestrian be allowed to cross into these restricted areas. All dunes and vegetation areas are included in these prohibited areas. Vehicles will not be driven between the water line and high tide crest (this area is commonly known or referred to as the wet sand area).

(b) *Authorized areas.* Areas are established for operation of motor vehicles east of markers, fences and other visible marking devices that establish boundaries for prohibited areas. This public vehicular area (PVA) may be utilized by permitted vehicles to travel throughout authorized areas of Freeman Park. Vehicles operated in the PVA are subject to all state and local ordinances as cited in section 11-44. At no time will vehicles travel within 10 feet of any dune or vegetation line regardless of markers, boundary lines, etc.

(Ord. No. 04-561, 8-10-04)

Sec. 11-50. Permits.

The annual permit must be displayed on the lower right hand corner of the front windshield of the passenger side of the vehicle. One-day permits must be hung from the rear view mirror. Permits are not transferable to another vehicle. A permit may be revoked without refund as a result of the violation of any local or state laws or ordinances.

The daily and annual fee shall be established by the annual budget of the Town of Carolina Beach.

(Ord. No. 04-561, 8-10-04)

Sec. 11-51. Fees.

Every vehicle entering Freeman Park shall be obligated to obtain a permit which will be valid for not more than twenty-four (24) consecutive hours. Daily permits shall expire at 8:00 a.m. the next morning and the vehicle must be removed from the park at that time.

Special permit fees shall be set by the town manager.
(Ord. No. 04-561, 8-10-04)

Sec. 11-52. Hours.

Freeman Park shall remain open twenty-four (24) hours a day seven (7) days a week unless a decision is made by the Town Council of the Town of Carolina Beach to close it. Public notification of any such closures will be made via the media.

(Ord. No. 04-561, 8-10-04)

Sec. 11-53. Conduct of visitors.

Visitors to Freeman Park shall use discretion in using any sound producing devices which may include but is not limited to televisions, radios, stereos, musical instruments, generators or other noisy machinery so not to create a nuisance to others.

(Ord. No. 04-561, 8-10-04)

Sec. 11-54. Speed limit.

All areas of Freeman Park including incorporated and non-incorporated parcels or areas shall have a speed limit of fifteen (15) mph.

(Ord. No. 04-561, 8-10-04)

Sec. 11-55. Wildlife.

(a) *Sea turtles* are under the protection of the Endangered Species Act therefore it is unlawful to harass, harm, capture or collect sea turtles and live or dead hatchlings, juvenile or adult sea turtles. Violators can be prosecuted under criminal or civil laws and assessed penalties. Extreme caution shall be used while driving on the beach in order to avoid turtle nests.

(b) *Feeding of wildlife* is prohibited.

(c) *Endangered species* is animal or plant species that is in danger of extinction throughout all or a significant part of its range as defined by federal statute.

Sec. 9-54. Operation of motor vehicles on beach.

(a) *Allowed in certain areas.* Legally licensed private vehicles shall be permitted to drive within designated areas of the public beach strand north of the terminus of Canal Drive. No vehicles shall be allowed west of any protected area within the barrier dune system. Local, county, state and federal government vehicles and emergency vehicles engaged in official duties are not subject to these restrictions.

(b) *Handicapped persons.* Handicapped persons shall be permitted to use specially approved vehicles on the beach strand area, provided said vehicle has been approved by and a special permit obtained from the police department. Only handicapped person shall be allowed to apply for such special permits.

(c) *Special purposes.* Private vehicles may be permitted for special purposes by special permit obtained from the town manager.

(Ord. No. 97-403, 8-12-97; Ord. No. 98-416, 1-13-98; Ord. No. 01-477, 4-10-01)

Secs. 9-55--9-79. Reserved.

Topsail Beach:

DIVISION 3. ON BEACH STRAND

Sec. 10-71. Purpose.

In order to prevent and abate nuisances on public and private property, to minimize the possible adverse environmental impact on dunes and vegetation, and to supervise and regulate in the interest of public health, safety, comfort, convenience and welfare, the board do enact the provisions of this division.

(Code 1979, § 7-1071)

Sec. 10-72. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessways means designated points or easements where vehicles may legally travel from public roads to the beach strand.

Beach strand (permitted driving area) means the area of the beach below mean high water adjacent to the Atlantic Ocean, Topsail Inlet, and Banks Channel. (Topsail Sound)

Frontal dune means the dune closest to the beach strand.

Handicapped person means a handicapped person as defined in G.S. § 20-37-5.

Motor-driven vehicles means any vehicle capable of transporting persons or property, consisting of two (2) or more wheels and propelled by a gasoline, electric, or other type of motor.

Sand dune area means any area at Topsail Beach landward of the mean high water mark on the ocean front, the sound, Topsail Inlet, and the Surf City line containing mounds of sand.

(Code 1979, § 7-1072; Ord. No. 93-001, § 1, 1-13-93)

Sec. 10-73. Beach access driving regulations.

(a) No person shall park, operate or otherwise allow their motor-driven vehicle to be parked located upon or driven over the beach strand, sand dune areas, frontal dunes and any area between the beach strand and frontal dune and/or sand dune area within the town at any time between April 1 or the Thursday before Easter at 12:01 a.m. (whichever is earlier) and September 30 at 12:00 midnight of each year. Provided, however, that the restrictions contained in the subparagraph shall not apply to handicapped persons as defined herein.

(b) Four-wheel drive vehicles possessing valid town permits shall be allowed on the beach strand at any time, twenty-four (24) hours a day, during the period beginning at 12:01 a.m. October 1; of each year and ending at 12:00 midnight on March 31 or the Thursday before Easter of the next year (whichever is earlier). Provided, further, that

motor-driven vehicles operated by handicapped persons as defined herein and possessing valid town permits shall be allowed on the beach strand as provided in this division at all times of the year. Provided, however, that during the periods of April 1 through September 30, motor-driven vehicles operated by handicapped persons shall only be allowed on the beach strand between sunrise and sunset.

(c) No motor-driven vehicle shall be allowed on any portion of the beach strand adjacent to the Atlantic Ocean and lying north of Drum Avenue.

(d) No motor-driven vehicle shall be allowed on the following:

(1) The sand dune area;

(2) Closer than ten (10) feet to the front toe of a frontal dune.

(e) No motor-driven vehicle shall be allowed on the beach strand unless the vehicle is a factory manufactured four-wheel drive vehicle. Provided, however, that the restrictions contained in this subparagraph shall not apply to handicapped persons as defined herein.

(f) The speed of any motor-driven vehicle operating on the beach strand shall not exceed fifteen (15) miles per hour.

(g) Any motor vehicle on the strand must be engaged in either a commercial fishing, sports fishing or construction capacity. There shall be no joyriding allowed. The possession of fishing equipment or construction equipment shall be required. Provided, however, that the restrictions contained in this subparagraph shall not apply to handicapped persons as defined herein.

(h) No motor-driven vehicles shall at any time cross to the beach strand unless crossing is at accessways designated by the board as vehicular crossings.

(i) Pedestrians, swimmers and sunbathers shall have the right-of-way over all vehicles being operated on the beach strand.

(j) Police vehicles, ambulances, municipal vehicles and fire vehicles are exempt from this division.

(k) No motor vehicle is allowed to park at any point north of the designated marker located on the beach strand. This marker shall be located approximately five-tenths (0.5) miles south of the Drum Avenue vehicle access.

(l) Town officials may restrict or close the beach to vehicular access at any time for safety reasons, or to protect the dune structure during unusually high tides.

(Code 1979, § 7-1073; Ord. of 10-20-88; Ord. No. 93-001, § 2, 1-13-93; Ord. No. 00-008, §§ 1--4, 9-27-00; Ord. No. 04-05, § 1, 11-10-04)

Sec. 10-74. Permit requirements.

(a) Prior to any motor vehicle being driven, parked, or otherwise located on the beach strand, the owner or operator shall first obtain a permit to do so. This permit shall be issued at a cost in accordance with the regularly adopted fee schedule of the town at the time of issuance of the permit and the owner or operator will receive a device or insignia which must be displayed only on the vehicle as designated in the permit, which permit shall not be transferable to any other vehicle or person. If any person drives or leaves a vehicle parked on the beach strand, and that vehicle does not have the required permit, that person shall be in violation of this division.

(b) All vehicles herein granted permits to be driven, parked, or otherwise located on the strands shall have currently valid state licenses and registrations. All drivers must have valid drivers licenses.

- (c) If for any reason, the police or administrative departments are unable to identify the driver of a vehicle in violation of this division, then the owner of that vehicle shall assume full responsibility for any violations involving his vehicle.
- (d) All permits to drive on the beach strand shall be issued by the police or administrative departments.
- (e) Permits shall be issuable as seasonal permits and/or seven-day permits. Seasonal permit holders shall be issued a permit in a form different from weekly or seven-day permits. The issuing person, if not a member of the police department, shall as soon as reasonable, provide the police department with a photostatic copy of the weekly or seven-day permit, and shall instruct the permit user to conspicuously display the permit in the left-hand portion of the permitted vehicle's front windshield.
- (f) The cost of a seven-day permit initially shall be ten dollars (\$10.00) but may be amended from time to time as provided for in subsection (a) of this section.
(Code 1979, § 7-1074; Ord. of 2-14-85)

Sec. 10-75. Closure.

The board shall have the authority to close any part or all of the beach to vehicular traffic or to amend the times during which vehicles are allowed on the beach as specified in section 10-73 if, in the opinion of the board, vehicular traffic is detrimental to the health, safety and welfare of pedestrians, property, sand dunes or wildlife.

(Code 1979, § 7-1075; Ord. No. 93-001, § 3, 1-13-93)

Sec. 10-76. Penalties.

(a) Violations of the provisions of subsection 10-73(a) and subsection 10-74(a) shall subject the offender to a civil penalty in the amount of twenty-five dollars (\$25.00) to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within thirty (30) days after the issuance of a citation for violation of the ordinance in question. In accordance with G.S. § 160A-175(b), a violation of these sections shall not be subject to the penalty provision of G.S. § 14-4 and shall not be considered a breach of the penal laws of the state.

(b) Any person violating any other section of this division shall be guilty of a misdemeanor and shall be punished as set forth in section 1-6 of this Code.

(Code 1979, § 7-1076; Ord. No. 01-006, § 3, 8-8-01)

Secs. 10-77--10-95. Reserved.

Surf City:

ARTICLE II. VEHICLES*

*Cross references: Traffic and motor vehicles, Ch. 17.

State law references: Municipal authority to regulate power-driven vehicles on beach, G.S. 160A-308.

Sec. 4-31. Designated crossing area.

No motor vehicle shall, at any time, be allowed to cross the beach strand within the corporate limits, unless crossing is accomplished at a point designated as a vehicular crossing. The designated crossing area shall be the area comprising the right-of-way of Kinston Avenue just south of the town pier.

(Code 1977, § 6-10)

Sec. 4-32. Certain vehicles prohibited; speed limit.

No vehicle shall be allowed on the beach strand unless the vehicle is a plant manufactured four-wheel drive vehicle. Vehicle is defined as any device in, upon, or by which any person or property is or may be transported, provided that for purposes of this article, a ridden animal shall be deemed a vehicle. Speed on the beach strand shall not exceed fifteen (15) miles per hour.

(Code 1977, § 6-11; Ord. No. 1981-4, 10-6-81; Ord. No. 1998-9, § 1, 7-7-98)

Sec. 4-33. Vehicle permits.

All vehicles referred to in section 4-32 may be allowed access to the beach strand; provided, that the operators of the vehicles obtain a permit to do so from the police chief. This permit shall be issued at the current fee per vehicle. The permit is nontransferable and shall have on it the license number of the vehicle. The permit shall be displayed on the lower right side of the vehicle windshield.

(Code 1977, § 6-12; Ord. No. 1985-9, § 1, 9-9-85)

Sec. 4-34. When and where vehicles permitted.

The following limitations shall apply to the use of vehicles on the beach by those persons who have obtained vehicle permits for same.

(1) No vehicles shall be allowed on the beach strand within the corporate limits from May 15 in any one year through September 10 of the same year, except that vehicles transporting persons with disabilities shall be allowed to drive to the beach year around in an area from the designated crossing area to a point one thousand (1,000) feet south.

(2) No vehicles shall be allowed on the beach except in the beach area between the 1300 block of South Shore on the south and Dolphin Street on the north. Vehicle use may also be barred in additional areas if the town manager finds that beach erosion and/or high tides have rendered an area of the beach unsafe for vehicle use.

(3) No vehicles shall be allowed on the beach strand after sunset and before sunrise, except that commercial fishing activities specifically allowed by law shall be permitted.

(Code 1977, § 6-13; Ord. No. 1992-6, § 1, 3-10-92; Ord. No. 1992-10, § 1, 6-2-92; Ord. No. 2001-11, § 1, 4-3-01)

Sec. 4-34.1. Special event permits.

Notwithstanding the other provisions of this article, the town council may issue, or delegate to the town manager authority to issue, special permits for special events which include the use of vehicles on the beach, including not-for-profit fundraising events, not-for-profit community events, and municipally-sponsored events or activities.

The issuance of such permits may be accompanied by conditions designed to protect the public safety, health, and welfare.

(Ord. No. 2001-10, 3-14-01)

Editor's note: On January 3, 2002, the council delegated authority to the town manager to issue special events permits.

Sec. 4-35. Permitted vehicles to be engaged in fishing; joyriding; driving on dunes.

Any vehicle on the strand must be engaged in either a commercial fishing or sports fishing capacity. There shall be no joyriding allowed. No vehicle shall be driven on the dunes.

(Code 1977, § 6-14)

Emerald Isle:

ARTICLE II. MOTOR VEHICLES ON THE BEACH AND DUNES AREAS*

*Editor's note: Ord. No. 3 of Sept. 14, 2004, amended former Art. II in its entirety to read as herein set out. Former Art. II pertained to similar subject matter and derived from the Code of 1983 and the following: Ord. of 12-10-85; Ord. of 7-11-00; Ord. of 8-10-04(1).

Cross references: Motor vehicles and traffic, Ch. 11.

Sec. 5-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach and sand dunes area means all land landward of the low water mark of the Atlantic Ocean and the low water mark of Bogue Sound, to include the foreshore beach strand, barrier dune system, single sand dunes, dune ridges, dune systems, and any part thereof, both old and new, including the vegetative cover relating to these dunes. However, public streets and highways are expressly excluded in this definition. Further, the areas of the front, side, and rear yards of a residence or business which are not part of a sand dune, dune ridge, or dune system, and which are covered by vegetative cover, gravel, rock, asphalt, cement, or similar material, are excluded from this definition.

Closed sections of the beach are those areas designated by the town manager where driving on the beach and sand dunes area is detrimental to the environment, health, safety or welfare of the public.

Endangered species are all species listed by the United States Fish and Wildlife Service as in danger of extinction throughout all or a significant portion of its range. Examples of endangered species potentially found in Emerald Isle include, but may not be limited to, the hawksbill sea turtle, Kemp's ridley sea turtle, and leatherback sea turtle.

Harm, as used in this article, is defined in the same manner as the United States Fish and Wildlife Service, and means any act which actually kills or injures fish or wildlife, and may also include significant habitat modification or degradation.

Licensing agency means the appropriate town personnel designated by the town manager to issue permits for the town pursuant to this article.

Limited access ways means those areas designated by posted signs whereby legal access to the permitted driving area as hereafter defined may be achieved.

Permitted driving area means the foreshore and area within the town consisting primarily of hardpacked sand and lying between the waters of the Atlantic Ocean and Bogue Sound and a point ten (10) feet seaward from the foot or toe of the dune closest to the waters of the Atlantic Ocean and Bogue Sound.

Take, as used in this article, is defined in the same manner as in the United States Endangered Species Act, and means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any endangered and/or threatened species.

Threatened species are all species listed by the United States Fish and Wildlife Service that are likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Examples of threatened species potentially found in Emerald Isle include, but may not be limited to the piping plover, green sea turtle, loggerhead sea turtle, and seabeach amaranth.

Vehicular traffic means the use, other than upon public highways or private ways devoted to the use of the public, of any vehicle, whether motorized or not, and without regard to weight, number of wheels, or other variances among vehicles.

(Ord. of 9-14-03(3), § 1)

Sec. 5-22. Driving on beach and sand dunes prohibited; exceptions.

(a) It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes located within the town except during permitted time periods. The permitted time periods for vehicular travel upon the beach are as follows:

(1) From and including September 15 until and including the Thursday prior to Easter Sunday.

(2) From and including the Monday that occurs 8 days after Easter Sunday until and including April 30.

(b) This prohibition does not apply to commercial fisherman holding valid state licenses while engaged in commercial fishing activities.

(Ord. of 9-14-03(3), § 1; Ord. of 10-12-04(3), § 1)

Sec. 5-23. Driving on designated areas only.

It shall be unlawful for any vehicular traffic holding and displaying a duly authorized permit issued pursuant to this article to travel on any portion of the beach and sand dune areas other than those areas designated herein as permitted driving areas and the limited access ways as defined in section 5-21. It shall also be unlawful for any vehicular traffic to travel upon any portion of the beach and sand dunes area without a valid permit, or for any vehicular traffic to travel upon any closed sections of the beach.

(Ord. of 9-14-03(3), § 1)

Sec. 5-24. Requirements for permit issuance; display.

(a) Upon application to the town, the town manager and/or his designee(s) may issue annual permits for vehicles and vehicular traffic to enter the beach and sand dunes area through the limited access ways and to drive in the permitted driving areas if the following requirements are met:

(1) An applicant for a license must possess a valid driver's license and must present the vehicle or vehicles to be used in the permitted driving area as defined in section 5-21 for inspection. The vehicle must pass an equipment inspection and must comply with the safety standards as set forth in this article.

(2) All vehicles granted permits to use the permitted driving area and the limited access ways must be equipped with four-wheel drive with the capability of maneuvering in sandy areas. Additionally, the vehicle must be insured to meet the minimum liability insurance limits provided in G.S. 20-279, and must display thereon a valid inspection sticker if registered in the state. In addition thereto, each vehicle must have a valid motor vehicle license plate and a valid registration card on the vehicle at all times.

(3) Senior citizens age sixty-five (65) years or older and handicapped persons of any age will be issued a unique decal. The senior citizen or handicapped person who is issued the decal shall be in the vehicle at the time the vehicle is being driven on the beach. Permits shall be issued free of charge to senior citizens age sixty-five (65) years or older and handicapped persons of any age.

(b) It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes within the town without displaying visibly on the vehicle a permit authorizing the use of a vehicle upon the beach and dune areas duly issued by the appropriate licensing agency.

(Ord. of 9-14-03(3), § 1)

Sec. 5-25. Issuance of permit; fee.

(a) The town manager and/or his designee(s) are hereby authorized to issue permits in accordance with this article.

(b) Each applicant must read and sign a statement that he understands and agrees to abide by this article.

(c) For each permit issued pursuant to the provisions of this article, the applicant shall pay the current annual fee. This annual fee is set forth from time to time by the board of commissioners and a schedule of such fee is on file in the town clerk's office.

(Ord. of 9-14-03(3), § 1)

Sec. 5-26. Revocation of permit.

(a) The town shall have the right to revoke a permit issued to an applicant for the permitted uses as specified in this article for one (1) or more violations of this article. Members of the police department, and such other town officials as designated by the town manager shall have the authority to revoke any permit issued to an applicant pursuant to the terms of this article for one (1) or more violations hereof. Upon revocation of the permit the license shall be removed from the vehicle if possible and all rights and authority of the vehicle and its operator to be either within the limited access ways or permitted driving areas herein shall immediately cease. If the officer or official revoking the permit is not able to seize or secure the permit or license, notice of the revocation shall be either posted on the vehicle or given to the operator or owner of the vehicle.

(b) Any person who has his permit revoked for one (1) or more alleged violations of this article shall have the right to appeal to the board of commissioners for a hearing. Notice of the hearing must be given in writing within ten (10) days from notice of revocation. The hearing concerning the revocation of the permit thereafter shall be held by the board of commissioners at its next regular scheduled monthly meeting or as soon thereafter as the same may be scheduled. Pending the hearing the permit holder shall have no right to operate the vehicle within the limited or permitted driving areas as defined herein. At the hearing the burden shall be upon the permit holder to satisfy the board of commissioners by the greater weight of the evidence that the permit holder was not in violation of one (1) or more of the terms of this article.

(Ord. of 9-14-03(3), § 1)

Sec. 5-27. Signs to be posted.

The town shall cause signs to be posted indicating the location of the limited access ways and the permits are required from the town in order for access by vehicles to be gained to the beach and sand dunes area.

(Ord. of 9-14-03(3), § 1)

Sec. 5-28. Closings of the beach or sections of the beach to vehicular traffic.

The town manager shall have the authority to close the beach or sections of the beach to vehicular traffic should conditions become detrimental to the health, safety or welfare of the public. Closings of the beach or sections of the beach that exceed thirty (30) days shall be reviewed by the board of commissioners for determination of the final duration of the closings of the beach or sections of the beach. Closed sections shall be appropriately marked so as to adequately inform the public that these sections are closed to vehicular traffic.

(Ord. of 9-14-03(3), § 1)

Sec. 5-29. Speed limit; litter.

(a) It shall be unlawful for any vehicular traffic to travel on any permitted driving areas and the limited access ways at a speed in excess of twenty (20) miles per hour.

(b) It shall be unlawful for any person issued a beach access permit or passenger in such vehicle to discard any type of litter or trash on the beach or sand area.

(Ord. of 9-14-03(3), § 1)

Sec. 5-30. Daily times that vehicular traffic is permitted.

It shall be unlawful for any person issued a beach vehicle access permit to park within or to travel on any permitted driving area at any time other than the permitted daily times. The permitted daily times for vehicular travel upon the beach are as follows:

(1) From 5:00 a.m. until 9:00 p.m. daily from and including September 15 until and including October 31.

(2) From 5:00 a.m. until 7:00 p.m. daily from and including November 1 until and including March 31.

(3) From 5:00 a.m. until 9:00 p.m. daily from and including April 1 until and including April 30.

(Ord. of 9-14-03(3), § 1; Ord. of 10-12-04(3), § 2)

Sec. 5-31. Right-of-way of pedestrians and swimmers.

Pedestrians and swimmers shall be deemed to have the right-of-way over vehicles on the limited driving areas.

(Ord. of 9-14-03(3), § 1)

Sec. 5-32. Protection of endangered and/or threatened species.

(a) Each permit holder shall respect the wildlife utilizing the beach and sand dunes area, and shall not take or harm any endangered and/or threatened species, either intentionally or unintentionally.

(b) Each permit applicant must read and sign a statement that he will respect the wildlife on the beach, and that he is solely liable for any take of or harm to endangered and/or threatened species, either intentionally or unintentionally, and is solely liable for any and all penalties associated therewith.

(c) The town manager shall have the authority to close sections of the beach to vehicular traffic if necessary to protect endangered and/or threatened species. Closings of the beach or sections of the beach that exceed thirty (30) days shall be reviewed by the Board of Commissioners for determination of the final duration of the closings of the beach or sections of the beach. Closed sections shall be appropriately marked so as to adequately inform the public that these sections are closed to vehicular traffic.

(d) Any person who takes or harms an endangered and/or threatened species, either intentionally or unintentionally, shall be subject to civil and criminal penalties imposed by the United States Fish and Wildlife Service. The town will forward all enforcement actions to the United States Fish and Wildlife Service for maximum enforcement action, in addition to town enforcement actions and penalties.

Sec. 5-33. Exceptions.

Fire equipment, police vehicles, rescue equipment, town maintenance and inspection department vehicles, town contractors engaged in beach work, and vehicles of an emergency nature shall be excepted from the application of this article. There is further excepted the use of vehicles in emergency situations wherein the protection of property or a person's well-being and health is involved. There is further excepted from the application of this article the use of vehicles in carrying out work or development authorized by a permit issued by the building inspector or other official for the town, so long as the work is within the scope and limitations of the permit.

(Ord. of 9-14-03(3), § 1)

Sec. 5-34. Penalties.

Violation of the provisions of this article shall constitute a Class 3 misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), in accordance with North Carolina General Statutes 14-4(a). Provided, if the violation is concerned with the operation of the vehicle, the same shall constitute an infraction with a penalty not to exceed fifty dollars (\$50.00) in accordance with North Carolina General Statutes 14-4(b). These penalties are in addition to any penalties imposed by the United States Fish and Wildlife Service.

(Ord. of 9-14-03(3), § 1)

Secs. 5-35--5-50. Reserved.

Atlantic Beach:

ARTICLE II. VEHICULAR TRAFFIC*

*Cross references: Motor vehicles and traffic, Ch. 10.

Sec. 5-21. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Beach and sand dunes area means all land landward of the low water mark of the Atlantic Ocean and the low water mark of Bogue Sound, to include the foreshore beach strand, barrier dune system, single sand dunes, dune ridges, dune systems, and any part thereof, both old and new, including the vegetative cover relating to these dunes. However, public streets and highways are expressly excluded in this definition. Further, the areas of the front, side, and rear yards of a residence or business which is not part of a sand dune, dune ridge, or dune system, and which is covered by vegetative cover, gravel, rock, asphalt, cement, or similar material, is excluded from this definition.

Licensing agency means the town clerk, police department and any other officer or agency of the town designated by the board of commissioners to issue permits for the town pursuant to this article.

Limited accessways means those areas designated by posted signs whereby legal access to the permitted driving area as hereafter defined may be achieved.

Permitted driving area means the foreshore and area within the town consisting of hardpacked sand and lying between the water of the Atlantic Ocean and a point ten (10) feet seaward from the foot or toe of the dune closest to the waters of the Atlantic Ocean or ten (10) feet from any bulkhead which ever point of demarkation is closer to the waters of the Atlantic Ocean.

Vehicular traffic means the use, other than upon public highways or private ways devoted to the use of the public, of any vehicle, whether motorized or not, and without regard to weight, number of wheels, or other variances among vehicles.

(Ord. of 10-20-86(1), § 1010)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 5-22. Driving on beach and sand dunes prohibited; exceptions.

It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes located within the town between mid-March and October 1 of each and every year. This section shall not apply to vehicles operated by commercial fishermen issued a valid state fishing license while engaged in commercial fishing activities and while being operated exclusively within the permitted driving area. Driving at other times on the beach strand shall be lawful only for vehicles which shall display a duly authorized permit as hereafter provided.

(Ord. of 10-20-86(1), § 1020; Ord. of 7-18-94(2))

Sec. 5-23. Driving on designated areas only.

It shall be unlawful for any vehicular traffic holding and displaying a duly authorized permit issued pursuant to this article to travel on any portion of the beach and sand dune areas other than those areas designated herein as permitted driving areas and the limited accessways as defined in section 5-27.

(Ord. of 10-20-86(1), § 1030)

Sec. 5-24. Requirements for permit issuance; display.

(a) Upon application to the licensing agencies designated by the board of commissioners, the licensing agencies may issue annual permits for vehicles and vehicular traffic to enter the beach and sand dunes area through the limited accessways and to drive in the permitted driving areas if the following requirements are met:

(1) An applicant for a license must possess a valid driver's license and must present the vehicle or vehicles to be used in the permitted driving areas for inspection. The vehicle or vehicles must pass an equipment inspection and must comply with the safety standards as set forth herein.

(2) All vehicles granted permits to use the permitted driving area and the limited accessways must be equipped with four-wheel drive with the capability of maneuvering in sandy areas. Additionally, the vehicle must be insured to meet the minimum liability insurance limits provided in G.S. 20-279, as amended, and must display thereon a valid inspection sticker if registered in the state. In addition thereto, each vehicle must have a valid motor vehicle license plate and a valid registration card on the vehicle at all times.

(b) It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes within the town without displaying visibly on the vehicle or vehicles a permit authorizing the use of a vehicle upon the beach and dune areas duly issued by the appropriate licensing agency as set forth in this section.

(Ord. of 10-20-86(1), § 1040)

Sec. 5-25. Issuance of permit; fee.

(a) The police department and the town clerk are hereby authorized to issue permits in accordance with this article.

(b) Each applicant must read and sign a statement that he understands and agrees to abide by this article.

(c) For each permit issued pursuant to the provisions of this article, the applicant shall pay an annual fee. The amount of such permit fee shall be set from time to time and a schedule of such fee is on file in the town clerk's office.

(Ord. of 10-20-86(1), § 1050)

Sec. 5-26. Revocation of permit.

(a) The town shall have the right to revoke a permit issued to an applicant for the permitted uses as specified in this article for one (1) or more violations of this article. Members of the police department, the chief and assistant building inspector, town maintenance department supervisor, and such other town officials as designated by the board of commissioners shall have the authority to revoke any permit issued to an applicant pursuant to the terms of this article for one (1) or more violations hereof. Upon revocation of the permit the license shall be removed from the vehicle, if possible, and all rights and authority of the vehicle and its operator to be either within the limited

accessways or permitted driving areas herein shall immediately cease. If the officer or official revoking the permit is not able to seize or secure the permit or license, notice of the revocation shall be either posted on the vehicle or given to the operator or owner of the vehicle.

(b) Any person who has his permit revoked for one (1) or more alleged violations of this article shall have the right to appeal to the town board for a hearing. Notice of the hearing must be given in writing within ten (10) days from notice of revocation. The hearing concerning the revocation of the permit thereafter shall be held by the board of commissioners at its next regular scheduled monthly meeting or as soon thereafter as the same may be scheduled. Pending the hearing the permit holder shall have no right to operate the vehicle within the limited or permitted driving areas as defined herein. At the hearing the burden shall be upon the permit holder to satisfy the board of commissioners by the greater weight of the evidence that the permit holder was not in violation of one (1) or more of the terms of this article.

(Ord. of 10-20-86(1), § 1060)

Sec. 5-27. Signs to be posted.

(a) Upon the effective date of this article, the town shall cause signs to be posted indicating the location of the limited accessways and the permit areas required from the town in order for access by vehicles to be gained to the beach and sand dunes area.

(b) The mayor, or his designee, shall have the authority to close the beach or sections of the beach to vehicular traffic for a period not to exceed ten (10) days, should conditions become detrimental to the environment, health, safety or welfare of the public. Closing of the beach for longer than ten (10) days will require action by the board of commissioners.

(Ord. of 10-20-86(1), § 1070)

Sec. 5-28. Speed limit; litter.

(a) It shall be unlawful for any vehicular traffic to travel on any permitted driving areas and the limited accessways at a speed in excess of twenty (20) miles per hour.

(b) It shall be unlawful for any person issued a beach access permit or passenger in the vehicle to discard any type of litter or trash on the beach or sand area.

(Ord. of 10-20-86(1), § 1080)

Sec. 5-29. Time limit.

It shall be unlawful for any person issued a beach access permit to park within or to travel on any permitted driving area between sunset and sunrise unless the permit holder has first notified in writing the police department of the proposed times, name of permit holder, and a description of the vehicle, and received written permission from same.

(Ord. of 10-20-86(1), § 1090; Ord. of 10-17-94)

Sec. 5-30. Right-of-way of pedestrians and swimmers.

Pedestrians and swimmers shall be deemed to have the right-of-way over vehicles on the limited driving areas.

(Ord. of 10-20-86(1), § 1100)

Sec. 5-31. Exceptions.

Fire equipment, police vehicles, rescue equipment, town maintenance and inspection department vehicles, and vehicles of an emergency nature shall be excepted from the application of this article. There is further excepted the use of vehicles in emergency situations wherein the protection of property or a person's well-being and health is involved. There is further excepted from the application of this article the use of vehicles in carrying out work or development authorized by a sand dunes permit issued by the building inspector or other official for the town, so long as the work is within the scope and limitations of the sand dunes permit.

(Ord. of 10-20-86(1), § 1110)

Sec. 5-32. Violation.

A violation of this article shall subject the offender to the penalties in section 1-6.

(Ord. of 10-20-86(1), § 1120)

Nags Head:

DIVISION 3. OPERATING ON BEACHES

Sec. 8-81. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Barrier dune means the easternmost sand dune or system of sand dunes which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.

Beach means all that area from the easternmost edge of the barrier dune line eastward and protruding into the Atlantic Ocean for a distance of 100 yards east of the mean low water mark.

Bona fide fishing tournament means a fishing tournament sponsored by a nonprofit organization having an existence in excess of one calendar year prior to an application for beach driving permits. Such tournament must have a minimum number of 25 participants.

Toe of slope means that point between the ocean and the barrier sand dune where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change of angle of direction upward and becomes the slope of the barrier dune.

Vehicle means all kinds of motor-driven and wind-powered vehicles including fishing boats and amphibious vehicles but excluding sailboats used for sport, surfboards and amphibious vehicles which are afloat and no portion of which is beached, aground or operating on wheels or tracks.

Vehicular beach access point means an access maintained by the town for use by vehicles at a designated location, usually on a town street. Vehicle access is permitted at these points and at no other location.

(Code 1990, § 5-61)

Cross references: Definitions generally, § 1-2.

Sec. 8-82. Generally.

Except as provided in this division, it shall be unlawful to operate any automobile, "off the road" vehicle, motorcycle, wind-powered or motor-powered vehicle or other vehicle on the beaches of the town. Notwithstanding the provisions governing permits as provided in this division, no vehicle shall be operated on the beach of the town between 12:01 a.m. on May 1 and 12:00 midnight on September 30 of each and every year.

(Code 1990, § 5-62)

Sec. 8-83. Permits.

(a) *Eligible vehicles.* Permits shall be issued only for properly registered and licensed vehicles having a four-wheel drive and which shall have passed inspection by the department of motor vehicles of the state or by the equivalent department or agency of the state in which such vehicle is licensed, if applicable. Any boat transported onto the beach must be properly registered and marked according to the licensing jurisdiction.

(b) *Applications; period of validity.*

(1) Any person desiring to operate a permitted vehicle on the beach of the town shall make application to the appropriately designated employee of the town or at designated fishing tackle shops in the town. The requesting party shall present the vehicle for inspection at town hall between the hours of 8:30 a.m. and 5:00 p.m. daily Monday through Friday or at the designated fishing tackle shops during normal business hours. The applicant's name, address, driver's license number, registration number and type of vehicle for which such permit is sought must be submitted in order to obtain a permit. A permit issued hereunder shall be valid from 12:01 a.m. October 1 and shall expire at midnight on April 30 of the following year.

(2) It is further provided that there shall be a separate permit for each vehicle for which a permit is desired under the terms of this division; except, that for commercial fishermen holding a valid state commercial fishermen's license, operating one or more vehicles in the business of commercial fishing, upon inspection of all vehicles so used when owned and titled in the same name and upon payment of the fee for the issuance of a single permit, duplicate permits shall be issued for all vehicles so used and owned as hereinabove stated; provided, that all such vehicles meet the inspection requirements as set out in subsection (a) of this section.

(3) It is further provided that shortterm permits up to 14 days duration may be issued for a bona fide fishing tournament. Such permits may be issued after application by an organization meeting the requirements of this division sponsoring a bona fide fishing tournament. Such application shall be made three weeks in advance of the tournament and shall include the inclusive dates, not exceeding 14 days, and the number of permits required. A minimum number of 25 permits must be purchased by the applicant.

(c) *Fee.* An applicant for a permit will pay a fee in accordance with the regularly adopted fee schedule of the town at the time of issuance of the permit and will receive a device or insignia which must be permanently affixed and displayed on the left front bumper of the vehicle; except, however, that in the case of a bona fide fishing tournament a temporary permit signed and sealed by the town clerk may substitute for a device or insignia which must be in the vehicle when being operated on the beach.

(d) *Issuance not deemed authority to operate on private property.* No permit issued under this section shall be construed to authorize a vehicle or the owner or operator thereof to operate on private property without the permission of the owner of such property.

(Code 1990, § 5-63)

Sec. 8-84. Rules of operation; operation on beaches.

Vehicles for which a permit is obtained pursuant to this division shall be operated in accordance with the following rules:

- (1) No vehicle shall be operated on the beach at a speed in excess of 25 miles per hour.
- (2) No vehicle shall be operated on the beach during the period set out in section 8-82.
- (3) No vehicle shall be operated west of the "toe of slope" of the dune except in going to and from the beach area at authorized vehicular beach access points. However, nothing contained in this section shall be construed to permit driving on the barrier dunes or driving on private property without the express permission of the owner, even though the "toe of slope" may be located west of the private property east boundary which extends to the mean high water mark of the ocean.
- (4) Permitted vehicles going to and from the beach area shall use as an entrance and exit only the designated vehicular beach access points which shall be designated as such by the board of commissioners of the town and appropriately marked.
- (5) Vehicles having permits may be operated on the beach only from one-half hour prior to sunrise to one-half hour following sunset daily. Vehicles engaged in beach restoration or protection work, including but not limited to approved beach push and sand bag installation and maintenance, may only be operated on the beach from one-half hour prior to sunrise to one-half hour following sunset Monday through Friday.
- (6) Pedestrians, swimmers and bathers shall have the right-of-way over all vehicles being operated on the beach.
- (7) Any person who drives any vehicle upon the beach area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or who drives any vehicle upon the beach without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving and punished pursuant to section 1-6.
- (8) Any person who is under the influence of intoxicating liquor or other drug or who has a blood alcohol level of 0.08 percent or more by weight, who drives on the beach area or going to and from the beach, shall be guilty of driving while under the influence of intoxicating liquor or other drug and shall be punished as provided in section 1-6.
- (9) Any operator of any vehicle on the beach area or going to and from the beach must have a current and valid motor vehicle operator's license issued by the state of his residence.

(Code 1990, § 5-64; Ord. No. 06-10-044, § I, 10-18-2006)

Sec. 8-85. Exceptions.

(a) The provisions of this division shall not apply to municipal employees, municipal vehicles or emergency vehicles or the drivers thereof, which may be required to enter upon the beach in the performance of their duties nor shall this division apply to a governmental agency, its employees, agents, contractors and subcontractors and their

vehicles when engaged in beach restoration or protection work. The provisions of this division shall also not apply to authorized military personnel, public safety personnel or authorized persons conducting scientific research or animal preservation studies or operations.

(b) The date and time limitation provided in sections 8-82 and 8-83 shall not apply to commercial fishermen holding a valid state commercial fishermen's license when engaged in commercial fishing activities.

(c) The town manager shall have the authority to close any portion of the beach or all of the beach at such times and places that extensive beach erosion occurs. This authority may be exercised by the town manager when, as a result of inspections by him or the town employees subject to his authority, it is determined that the width of the beach between the toe of the slope of the dune and the area affected by ocean wash and waves is such that driving would either be dangerous or increase the effects of erosion, or the beach is not sufficiently wide or stable to support vehicular traffic. At any time that the ocean wave wash is less than 40 feet eastward of the "toe of the slope" that portion of the beach shall be closed. The closure area shall extend to the next beach access point in each direction. Any person operating a vehicle on the beach in a closed area shall be subject to the penalties provided in this division.

(d) The town manager, on a case by case basis, shall have the authority to review and decide written requests for temporary beach driving permits submitted by individuals seeking to perform specific construction activities requiring access to the beach by vehicles when access by such vehicles is otherwise prohibited by this chapter. Written requests for temporary beach driving permits shall include the following information:

- (1) Address of the construction site and identification of the beach access location.
- (2) The start date and ending date of requested beach access.
- (3) Copy of the issued building permit for the construction project and copies of any other local, state and/or federal permits and authorizations as may be required to lawfully conduct the described construction and access onto the beach.
- (4) A description as to the hardship that will be created if the temporary permit is not authorized and how such hardship is not the result of the applicant's own actions or inactions to perform the work in strict compliance with this chapter.
- (5) Any other information as may be deemed necessary by the town manager for proper consideration of the request.

Upon finding that the permit request has (i) secured all necessary local, state, and federal permit approvals and authorizations; (ii) that the strict application of this chapter would create an undue and unnecessary hardship created by no fault of the applicant; and (iii) that the approval of the request would not be contrary to the public interest, the town manager may issue the temporary beach driving permit. The town manager shall have the authority to approve the request as presented or with modifications and shall furthermore have the authority to impose conditions in connection with such approval. The written permit authorization shall include the name of the property owner, the address of the construction site, the approved beach access location, date(s) and time(s) for which access onto the beach has been temporarily authorized, and any conditions of the permit approval. The permit approval must be kept by the vehicle operator during the conduct of work and available for inspection by town enforcement officials upon demand.

(Code 1990, § 5-65; Ord. No. 05-10-041, § I, 10-5-2005)

Sec. 8-86. Reciprocal agreements with county or other towns.

If the county or any town within the county shall adopt an ordinance regulating the operation of vehicles on its beaches, the board of commissioners may enter into a reciprocity agreement with that town or the county; provided, however, that the board of commissioners finds that the ordinance contains similar provisions to this division. (Code 1990, § 5-66)

Kitty Hawk:

ARTICLE II. BEACHES*

*Cross references: Animals on beaches, § 3-1; sand dune protection, § 7-16 et seq.; flood damage prevention, Ch. 8; selling goods on public property, § 9-1; glass containers on beaches, § 10-4; soil erosion and sedimentation control, Ch. 16.

Sec. 4-16. Vehicles on beaches.

(a) In this section:

(1) *Barrier dune* means the easternmost sand dune or system of sand dunes which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.

(2) *Beach* means all that area from the easternmost edge of the barrier dune line eastward and protruding into the Atlantic Ocean for a distance of 100 yards east of the mean low water mark.

(3) *Toe of slope* means that point between the ocean and the barrier sand dune where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change of angle of direction upward and becomes the slope of the barrier dune.

(4) *Vehicle* means any motor-driven or wind-powered vehicle, including any fishing boat or amphibious vehicle but excluding any sailboat used for sport, surfboard and amphibious vehicle which is afloat and no portion of which is aground and operating on wheels or tracks.

Cross references: Definitions and rules of construction generally, § 1-2.

(b) **Except as otherwise provided in this section, it shall be unlawful to operate any automobile, off-the-road vehicle, motorcycle, wind-powered or motor-powered vehicle or other vehicle on the beaches, foreshore and barrier dunes of the town. It is unlawful for any person who owns a vehicle to allow it to be operated in violation of any of the provisions of this section.**

(c) **The provisions of this section shall not apply to:**

(1) **Commercial fishermen holding a valid state commercial fishermen's license when engaged in commercial fishing activities.**

(2) **Town employees, town vehicles or emergency vehicles or the drivers thereof, which may be required to enter upon the beach in the performance of their duties.**

(3) A governmental agency, its employees, agents, contractors and subcontractors and their vehicles when engaged in beach restoration or protection work.

(4) Drivers who are participating in town approved civic, governmental, or charitable events utilizing the ocean beach and fishing tournaments authorized by the town council provided the motor vehicle operated on the town ocean beach occurs only during the posted hours of the special event or tournament and the operator complies with all regulations adopted by the town with respect to driving on the beach during special events and tournaments.

(d) If the county or any municipality within the county shall adopt an ordinance regulating the operation of vehicles on its beaches, the town council may enter into a reciprocity agreement with same, provided the town council finds that the ordinance contains similar provisions of this section.

(Ord. No. 85-6, §§ 1.01--1.04, 2.01, 5-20-85; Ord. No. 94-19, 9-6-94)

State law references: Municipal authority to prohibit vehicles on beaches, G.S. § 160A-308.

State Plans: Statewide Comprehensive Outdoor Recreation Plan

(<http://ils.unc.edu/parkproject/resource/scorp.html>)

I. Outdoor Recreation Issues

No single standard can be accurately applied to all of North Carolina because the state includes areas as diverse as the Charlotte metropolitan area, remote areas of the Appalachian Mountains, large rural areas in the Coastal Plain, and wide beaches of the North Carolina coast. Recreation needs should be determined by the preferences of the people in the market area, the existing recreation resources, levels of tourism, and the characteristics that make the area unique.

Survey Results

The five most popular outdoor recreational activities in North Carolina are walking for pleasure, driving for pleasure, viewing scenery, beach activities, and visiting historical sites. Three out of every four households participated in walking for pleasure at least once in the past 12 months (Table II-6). Over 50 percent of the households responding also participated at least once in the following activities: swimming (in lakes, rivers, or oceans), visiting natural areas, picnicking, attending sports events, visiting zoos, and freshwater fishing. Traveling to and from outdoor recreation areas is also often required for participation.

II. Supply, Demand, and Need for Outdoor Recreation

North Carolina is famous for its beaches. Visiting a beach has long been a favorite way to spend time, whether for part of a day or longer periods like a vacation week. Visiting a freshwater or ocean beach is often associated with participation in other popular outdoor recreation activities including swimming, fishing, boating, walking, and viewing scenery. Where possible, federal, state, and local government agencies should emphasize

acquisition and development of water-based and beach access sites for the public's use and enjoyment.

Driving for pleasure and viewing scenery cover a wide range of sites and areas of the state from the mountains to the coast. Many popularly visited attractions that often involve a long trip are concentrated on public land such as state or national parks and forests or public beaches. **With the numbers of older and retired people increasing, it is easy to picture the popularity of driving for pleasure and viewing scenery increasing.**

III. Roles and Responsibilities

Public Beach and Coastal Waterfront Access Program

In 1974, the General Assembly passed the Coastal Area Management Act (CAMA) to protect and manage coastal resources. This legislation promotes the wise use of coastal resources through the Division of Coastal Management of the Department of Environment and Natural Resources. **The Public Beach and Coastal Waterfront Access Program, created in 1981 by the N.C. General Assembly, makes about \$1 million annually in matching grants to local governments to improve pedestrian access to the state's beaches and waterways.** The program originally focused on beach access but was expanded in 1983 to include North Carolina's vast network of estuarine shorelines, coastal rivers and urban waterfronts. More than 260 access sites have been constructed since the program began. Local governments are responsible for construction, operation and long-term maintenance of their sites. These sites, plus other public beach access sites, are marked with easily identified blue and orange CAMA signs. The access sites range from large regional facilities with parking, restrooms, showers, dune crossovers, water fountains and life guards to small local facilities providing dune crossovers.

Systemwide plan:

(<http://ils.unc.edu/parkproject/swplan/home.html>)

V. PUBLIC RECREATION NEEDS INTRODUCTION

In preparing this plan, The Division of Parks and Recreation (DPR) conducted public meetings at locations across North Carolina. These meetings are supplemented by a statewide random survey, a state park visitor survey and a survey completed by state park advisory committee members. Consistent messages from these sources of public input include:

- Recreation activities available at state parks are among the most popular in North Carolina: viewing scenery, beach activities, picnicking, swimming and visiting natural areas. The public would like to have more opportunities to participate in these activities in the future.
- **Hiking trails and nature trails are more popular than horse trails, bike trails and off-road vehicle areas.**
- North Carolinians think that it's important to protect the state's natural resources and more parks are needed to protect other natural areas.

State Parks Act (the state park system plan that this act outlines to be written at a later date does not sufficiently cover beach driving)

(<http://ils.unc.edu/parkproject/swplan/SysAppendixB.pdf>)

§ 113-44.7. Short title.

This Article shall be known as the State Parks Act.(1987, c. 243.)

§ 113-44.8. Declaration of policy and purpose.

(a) The State of North Carolina offers unique archaeological, geologic, biological, scenic, and recreational resources. These resources are part of the heritage of the people of this State. **The heritage of a people should be preserved and managed by those people for their use and for the use of their visitors and descendants.**

(b) The General Assembly finds it appropriate to establish the State Parks System. This system shall consist of parks which include representative examples of the resources sought to be preserved by this Article, together with such surrounding lands as may be appropriate. Park lands are to be used by the people of this State and their visitors in order to promote understanding of and pride in the natural heritage of this State.

(c) The tax dollars of the people of the State should be expended in an efficient and effective manner for the purpose of assuring that the State Parks System is adequate to accomplish the goals as defined in this Article.

(d) The purpose of this Article is to establish methods and principles for the planned acquisition, development, and operation of State parks. (1987, c. 243.) § 113-44.9.

Definitions.

As used in this Article, unless the context requires otherwise:

(1) "Department" means the Department of Environment, Health, and Natural Resources.

(2) "Park" means any tract of land or body of water comprising part of the State Parks System under this Article, including existing State parks, State natural areas, State recreation areas, State trails, State rivers, and State lakes.

(3) "Plan" means State Parks System Plan.

(4) "Secretary" means the Secretary of Environment, Health, and Natural Resources.

(5) "State Parks System" or "system" mean all those lands and waters which comprise the parks system of the State as established under this Article.(1987, c. 243; 1989, c.

727, s. 218(50); 1989 (Reg. Sess. 1990), c. 1004, s. 19(b.) § 113-44.10. Powers of the Secretary.

The Secretary shall implement the provisions of this Article and shall be responsible for the administration of the State Parks System.(1987, c. 243.) § 113-44.11. Preparation of a System Plan.

(a) The Secretary shall prepare and adopt a State Parks System Plan by December 31, 1988. The Plan, at a minimum, shall:

(1) Outline a method whereby the mission and purposes of the State Parks System as defined in G.S. 113-44.8 can be achieved in a reasonable, timely, and cost-effective manner;

(2) Evaluate existing parks against these standards to determine their statewide significance;

(3) Identify duplications and deficiencies in the current State Parks System and make recommendations for correction;

(4) Describe the resources of the existing State Parks System and their current uses, identify conflicts created by those uses, and propose solutions to them; and

(5) Describe anticipated trends in usage of the State Parks System, detail what impacts these trends may have on the State Parks System, and recommend means and methods to accommodate those trends successfully.

(b) The Plan shall be developed with full public participation, including a series of public meetings held on adequate notice under rules which shall be adopted by the Secretary. **The purpose of the public meetings and other public participation shall be to obtain from the public:**

(1) Views and information on the needs of the public for recreational resources in the State Parks System;

(2) Views and information on the manner in which these needs should be addressed;

(3) Review of the draft plan prepared by the Secretary before he adopts the Plan.

(c) The Secretary shall revise the Plan at intervals not exceeding five years. Revisions to the Plan shall be made consistent with and under the rules providing public participation in adoption of the Plan. (1987, c. 243.) § 113-44.12. Classification of parks resources.

After adopting the Plan, the Secretary shall identify and classify the major resources of each of the parks in the State Parks System, in order to establish the major purpose or purposes of each of the parks, consistent with the Plan and the

purposes of this Article.(1987, c. 243.) § 113-44.13. General management plans. Every park classified pursuant to G.S. 113-44.12 shall have a general management plan. The plan shall include a statement of purpose for the park based upon its relationship to the System Plan and its classification. An analysis of the major resources and facilities on hand to achieve those purposes shall be completed along with a statement of management direction. The general management plan shall be revised as necessary to comply with the System Plan and to achieve the purposes of this Article.(1987, c. 243.) § 113-44.14. Additions to and deletions from the State Parks System.

(a) If, in the course of implementing G.S. 113-44.12 the Secretary determines that the major purposes of a park are not consistent with the purposes of this Article and the Plan, the Secretary may propose to the General Assembly the deletion of that park from the State Parks System. On a majority vote of each house of the General Assembly, the General Assembly may remove the park from the State Parks System. No other agency or governmental body of the State shall have the power to remove a park or any part from the State Parks System.

(b) New parks shall be added to the State Parks System by the Department after authorization by the General Assembly. Each additional park shall be authorized only by an act of the General Assembly. Additions shall be consistent with and shall address the needs of the State Parks System as described in the Plan. All additions shall be accompanied by adequate authorization and appropriations for land acquisition, development, and operations.(1987, c. 243.) § 113-44.15.

Parks and Recreation Trust Fund.

(a) There is established a Parks and Recreation Trust Fund in the State Treasurer's Office. The Trust Fund shall be a nonreverting special revenue fund consisting of gifts and grants to the Trust Fund, monies credited to the Trust Fund pursuant to G.S. 105-228.30(b), and other monies appropriated to the Trust Fund by the General Assembly.

(b) Funds in the Trust Fund are annually appropriated to the North Carolina Parks and Recreation Authority and, unless otherwise specified by the General Assembly or the terms or conditions of a gift or grant, shall be allocated and used as follows:

(1) Sixty-five percent (65%) for the State Parks System for capital projects, repairs and renovations of park facilities, and land acquisition.

(2) Thirty percent (30%) to provide matching funds to local governmental units on a dollar-for-dollar basis for local park and recreation purposes. These funds shall be allocated by the North Carolina Parks and Recreation Authority based on criteria patterned after the Open Project Selection Process established for the Land and Water Conservation Fund administered by the National Park Service of the United States Department of the Interior.

(3) Five percent (5%) for the Coastal and Estuarine Water Beach Access Program.

Of the funds appropriated to the North Carolina Parks and Recreation Authority from the Trust Fund each year, no more than three percent (3%) may be used by the Department for operating expenses associated with managing capital improvements projects, acquiring land, and administration of local grants programs.

(c) The North Carolina Parks and Recreation Authority shall report on an annual basis to the Joint Legislative Commission on Governmental Operations, the appropriations committees of the House of Representatives and the Senate, and the Fiscal Research Division on allocations from the Trust Fund.(1993 (Reg. Sess., 1994), c. 772, s. 1; 1995, c. 456, s. 2; 1995 (Reg. Sess., 1996), c. 646, s. 20.)

Systemwide plan (<http://ils.unc.edu/parkproject/swplan/home.html>)

III. TREND INFORMATION

Extreme weather conditions have had a pronounced effect on park visitation over the past five years. Nine hurricanes from 1994-1999 have resulted in pre-emptive park closings; destruction of park facilities; park roads, rivers and trails obstructed by fallen trees; and flooding of park facilities. Heavy spring and summer rains closed camping and boating facilities at reservoirs in 1994, 1995, 1996 and 1998. The blizzard of 1996 closed parts of 17 parks and the ice storm of 1994 closed one park for six months and another for three.

The state's median age will steadily increase, from 33 years old in 1990 to 36 in 2000 and 37 in 2005. Those born between 1940 and 1959, and senior citizens above 75 years old, are the fastest growing age groups (Figure III-1).

State park visitor spending: State park visitors spend an average of \$26.29 per person per 12 hours spent visiting in the parks on food, transportation, equipment, and lodging.

Older citizens take the longest trips in distance and duration. They prefer package tours and use hotels. The Bureau of Labor Statistics reports that persons 55 years and older spend a higher percentage of their total budget on vacations and pleasure trips than any other age group.

Use of mountain bicycles, personalized water craft, and all-terrain/off highway vehicles has increased dramatically in the state. Pressure to provide opportunities for use within state park units has increased.

The U. S. National Park Service has banned personalized water craft from its park units.

IMPLICATIONS OF DEMOGRAPHIC AND SOCIOECONOMIC TRENDS

******The growing elderly population has more leisure time but participates in active leisure activities less frequently than do younger age groups. Declining health is the most frequent reason cited for giving up an activity. **The elderly are therefore more****

concerned with the safety, quality and accessibility of park facilities. Bus tours, which provide greater mobility and opportunities for socializing for the elderly, are becoming increasingly popular. State parks should be capable of accommodating bus tours and large school groups with adequate facilities and appropriate information and education programs. The ADA stipulates that both facilities and programs should be accessible to all visitors. Newly constructed park facilities will be accessible and older facilities renovated to meet ADA standards.
(Would not allowing certain types of vehicle use cause conflict with the Americans with Disabilities Act (ADA))

Greater attendance at popular parks will mean an increase in wear and tear on facilities and in inappropriate behavior. Greater resources for visitor management will be required.

The state parks system should experience a continued demand for opportunities to visit large natural places where there is little evidence of other humans. These opportunities are threatened by greater visitation, encroaching development and environmental degradation.

Environmental lobbying will increase with increased public attention on problems such as air pollution, acid rain, changing climate patterns and accelerated development. These environmental problems do not have short-term solutions and will continue to generate public concern and support for government action. Donations and memberships in environmental organizations have been steadily increasing and expanding the base of support for action on environmental issues.

The elderly are potentially the most influential interest group of the 21st century. Their growing numbers, education, and organization, as well as their voting and spending power, will be dominant factors in public decisions. The expectations for park and recreation areas and facilities will be for improved quality, accessibility, and safety. Responding to these expectations and developing an elderly constituency will be advantageous.

National Wildlife Refuges:

Cedar Island and Mattamuskeet National Wildlife Refuges are both regulated by Mattamuskeet National Wildlife Refuge:

Opportunities for the Public

- Trails (under development).
- **Auto route (Entrance Road and Wildlife Drive).**
- Fishing.
- Crabbing.
- Two observation towers/decks.

- Wildlife observation.
- Photography.
- Hunting for deer and waterfowl (waterfowl includes special youth hunts).
- Three boat ramps.

Currituck National Wildlife Refuge: (Currituck NWR is managed by the staff at Mackay Island NWR)

Currituck NWR consists of six separate units all located between Corolla, NC and the NC/VA stateline. **To access the refuge, follow NC Route 12 north until it ends in Corolla. At this point all traffic is diverted to the beach (four-wheel drive is required).** The first refuge tract is located about 3/4-mile north of this point. Currituck NWR is managed by the staff at Mackay Island NWR, therefore, no building or other facilities exist on the refuge.

Mackay Island:

Mackay Island is open from sunrise to sunset. All portions of the refuge are open to wildlife-dependent recreation from March 15 through October 15. Year-round public use is permitted in the following portions of the refuge: Corey's Ditch and the canal on the north side of the Marsh Causeway are open to fishing and crabbing. Mackay Island Road, from it's junction with SR 615 to the Dike Gate, and the Great Marsh Trail are open to walking, biking, motor vehicles (prohibited on the Great Marsh Trail), Bank fishing, wildlife observation, and wildlife photography. Sport fishing for largemouth bass, catfish, bream and other species is allowed in all canals, bays, and ponds from March 15 through October 15 each year. The refuge impoundments (East Pool, Middle Pool, and West Pool) are open to bank fishing only. All refuge waters, ponds, canals and bays are closed to boating from October 16 through March 14 each year. Public deer hunts (by permit only) are conducted during the fall months (September through December). Special "Open Roads Day" events are held throughout the year where visitors may drive the dike and trail system around the refuge impoundments to view wildlife. These are publicized in advance through local media.

State Parks:

Fort Fishers State Recreation Area: (According to the State Parks Division, Fort Fishers is the only state park that allows beach driving in North Carolina)

Four-wheel-drive beach access:

March 15 - March 31: 8 a.m.- 6:30 p.m.

April and May: 8 a.m.-7:30 p.m.

June, July, August: 6 a.m.-8:30 p.m.

September 1 - September 14: 6 a.m.- 7:30 p.m.

September 15 - March 14: 24 hour access

Off-Road Vehicles:

For visitors wishing to fish, sunbathe or view nature in the southern portions of the park, four-wheel-drive vehicles are allowed to operate within a limited corridor along the beach, at certain times of the day and with a valid permit (\$10 per day or \$40 for annual permit allowing unlimited visits). Drivers must follow designated routes, avoiding dunes, vegetation and marked nesting areas. Only registered motor vehicles are allowed in the four-wheel-drive access area (no ATV's). Exercise caution, portions of the access may flood at high tides; soft sand and sharp drop-offs are common.

Ecological information:

It would be difficult to find an area on the North Carolina coast with a greater variety of maritime habitats than Fort Fisher. The ocean teems with life, from microscopic plankton to fishermen's favorites — king and Spanish mackerel, striped and channel bass, and the great blue marlin. Closer to shore, spot an Atlantic bottlenose dolphin just beyond the breakers or follow the flight of the brown pelican as he skims over the waves.

One of the most interesting animals found at Fort Fisher is the loggerhead sea turtle. The loggerhead uses the isolated beach as a nesting habitat, coming ashore to deposit eggs in the warm sand. Weighing from 150 to 300 pounds, the female nests every three or four years, laying up to five nests a year. Each nest may contain as many as 120 eggs. After a two-month incubation, the hatchlings emerge from the nest and race to the sea. The loggerhead sea turtle is included on the federal list of endangered and threatened species. Those who disturb or harm turtles, nests or hatchlings are subject to penalty.

The sandbars and intertidal pools found in the narrow zone between land and sea are a diverse and productive arena for living creatures. Low tide brings tidal pools that delight shell-seekers of all ages with such treasures as sea stars, tulip shells and keyhole urchins.

Brown pelicans, terns and seagulls, including the great black-backed gull, soar above the dunes in all seasons. Double-crested cormorants, gannets and loons flock to the area in winter.

The northern portion of the park is occupied by a remnant maritime forest of live oak and yaupon. Near the ocean, these salt-tolerant trees are shaped by wind and sea spray and grow no more than 20 to 30 feet in height. Farther south, an evergreen shrub thicket runs along the main road. Yaupon, wax myrtle, groundsel tree and greenbrier populate the area. These natural brambles provide ideal hiding places for raccoons, opossums, foxes and rabbits.

The look of the land at Fort Fisher constantly changes. Hurricanes and strong storms along the coast can erode dunes, washing away in hours what took years to accumulate or filling inlets that were once deep waters. Sea oats, panic grass, seashore elder and other plants that are tolerant to the sand, wind and salt spray help to build and stabilize new dunes. Granules of windblown sand are trapped by stems and branches. The sand piles up

around the base of the plants. Over days, weeks and years, these piles of sand can grow into large dunes.

The bare sand and sparsely vegetated areas between and behind the dunes are a nesting habitat for colonial water birds, including black skimmers and terns that deposit their eggs in shallow depressions in the sand. In order to protect their exposed nests, these birds seek safety in colonies ranging in size from a few pairs to several thousand pairs.

The endangered piping plover — a species whose Atlantic population is less than 1,400 pairs — nests at Fort Fisher State Recreation Area. Resembling a sandpiper, the piping plover is a small, camouflaged bird that blends with the pale, sandy ground. Even the bird's eggs are camouflaged and can go undetected until stepped upon.

Although the bird was once common in the 19th century, the piping plover all but disappeared after the turn of the century due to excessive hunting for the millinery trade. The species made a comeback in the 1940s due to a migratory bird protection act, but the species again declined, this time due to the recent increased development and recreational use of beaches. Nesting areas at Fort Fisher are posted to provide sanctuary from human and pet intrusion, which can cause nesting parents to desert the nest and expose the eggs or their young to the sun and predators.

To help the plover and other nesting birds, respect the roped-off nesting areas. Do not approach or linger near the birds or their nests. Keep your pets leashed as they, too, can destroy nests. Also, don't leave or bury trash or food scraps on the beach; the trash attracts predators.

The estuary's tidal creeks attract seafood lovers as well as fish-eating birds. An assortment of herons, ibises and diving ducks compete with human fishermen in search of flounder, spot, mullet, crab, mussels and clams. Other birds, including osprey, oyster catcher and willet, enjoy nearby sandbars. Mud flats in the estuary are also great for bird watching, especially at low tide when whimbrels, dowitchers, dunlins and sandpipers swarm the area in search of food.

Extensive salt marshes border the west side of the island. These habitats are among the most productive on earth and supply vital nutrients to life in nearby creeks, bays and ocean waters. In the water, cordgrass shelters the larvae of fish and shellfish while, closer to land, black needlerush provides cover. Wildflowers in the marsh include sea-oxeye, sea lavender and salt marsh mallow. Northern harriers and other soaring birds take advantage of the marsh's open spaces to find and feed upon small rodents.

Organizations:

OuterBanksFishing.com

4X4 Beach Driving

Looking For Beach Conditions And Information,

It's Here And Some Good Advice !



Just Click On The Links Below Or Scroll Down This Page

[Beach Conditions - Beach Info](#)

[Associations, Rules & Map Of 4x4 Access Ramps](#)

[Basic Beach Driving - Problems](#)

- Beach Conditions -

Last Updated: September 2005

Check **[NCBBA](#)** or **[OBPA](#)** for the latest closings and openings.

- Beach Info -

The beach north of Corolla is open year round to everybody with no beach permit required. You can drive all the way to the fence on the beach at the NC. / VA. state line. The north beach ramp for it is located at the end of the main road (Route 12) in Corolla. The beaches are real hard and flat. If you go out at the north beach ramp it has a lot of old stumps sticking up all over the beach from an old forest so watch where your driving and try not to run over any small pieces of wood. Those small pieces of wood could be one of those buried stumps which could damage your tire. If you have a permit you can drive on the beach north of the NC. / VA. state line all the way to Sandbridge in Virginia Beach through Virginia's False Cape State Park and Back Bay National Wildlife Refuge. It's 24 hours a day between October and May. From May through September, no vehicles are allowed from 11 p.m. to 5 a.m.

for sake of turtle and shorebird nesting. Permits are given to permanent residents who lived on the northern Outer Banks before Dec. 31, 1979. The geographic cutoff for qualification as a resident goes from the state line to 1,600 feet south of the Currituck Beach Lighthouse. Some allowances are made for people who need to travel the beach for their jobs and for medical emergencies.

The ramps inside the town of Corolla are open October 31 - May 31 with no permit required.

No beach driving is allowed in Kitty Hawk.

Kill Devil Hills ramps are open October 1 - April 30 with no beach permit required. The whole beach is washed out bad north of the Wright Brothers Monument and it's also bad on the southern end of the town. I would suggest the area in the middle or very north end of Kill Devil Hills on the north side of Avalon Pier. Don't drive in the wet brown colored gravel near the water, you go down 6 inches just walking in it.

Nags Head ramps are open October 1 - April 30 and a beach driving sticker is required for each vehicle that must be renewed annually. The sticker should be placed on the left front bumper of the vehicle and can be purchased from the town for \$25 per permit at the Municipal Complex in Nags Head or from any of these tackle shops, Fishing Unlimited, Whalebone Tackle and T.W.'s Bait and Tackle. There's a 60 dollar fine for not having one. A lot of the beach is closed because of erosion, I would suggest the access and beach by the Dune Lantern.

Ramp 2 at Coquina Beach, Ramp 45 in Buxton and the beaches inside the towns are closed during the summer.

Be careful going through the washouts at Ramp 23, try to get by them as close to the dunes as possible. The sand near the water is like quick sand in those areas.

- Associations, Rules & Map Of 4x4 Access Ramps -

Outer Banks Preservation Association



North Carolina Beach Buggy Association

CHNS Rules And Map Of 4x4 Beach Access Ramps

For questions about one of the local town's beaches try these links.

Dare County - Currituck County

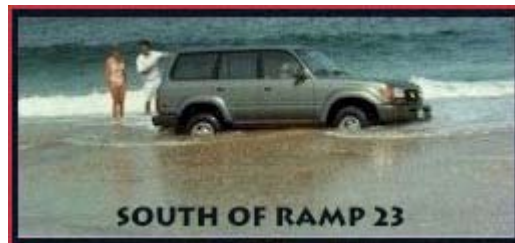
If you have questions about the national park's beaches try this link.

Cape Hatteras National Seashore

So far there's no beach permit or ban for the Cape Hatteras National Seashore. The park service doesn't control the beaches from Nags Head north to the Virginia State Line. If they do and you don't want to buy a permit then the beach north of Corolla to the Virginia State Line which is controlled by Currituck County will remain open year round for free. The ramp is easy to find just follow the main road through Corolla and it ends at the North Beach Ramp. The beaches in the town of Corolla will be open for free from October 31st - May 31st. Kill Devil Hills beaches will also remain open for free from October 1st - April 30th.

If your looking for a beach to drive on that's not crowded you can try the Core Banks south of Ocracoke Island. You'll need to take at least two vehicles and don't forget anything like bug spray because there's no stores or tow trucks. Also check the weather forecast, it's not the place to be during a nor'easter or hurricane and the ferry can't get over there to pick you up in rough water.

Northern Core Banks - Southern Core Banks



- Basic Beach Driving -

Let your air out of your tires to about 20 pounds. If the sand is real loose like the brown colored gravel sand then you might need to drop it to 15 pounds. Don't try to make your own road, follow the tracks that are already there. Don't drive in the water, see the picture above. You can drive near it but stay away from the wet looking spots and the spots with a lot of shells on it. Avoid running over wood and other trash on the beach, it could puncture your tire. Watch out for people and fishing lines. Also if your driving on the beach at night try not to let your headlights hit the water if there are people drum fishing in the area. A lot of people believe that it has to be done in total darkness and if your headlights hit the water while your driving by you'll scare the drum away for 4 hours.

Make sure you park above the high tide line, that's where the water came up during the last high tide. I try to park on higher areas rather than low spots if the water is rough. If the water is rough and it looks like it's getting rougher while your out there it's a good idea to get off the beach. I've had to make a run for it in the middle of the night a few times. Usually it's the real choppy surf with an increasing wind coming off it.

Recommended equipment to have with you is a shovel, a small army shovel doesn't take up much space. You'll need a good tire pressure gauge and if your in a hurry I've seen one that's set to stop automatically, some of the tackle shops are selling them. Bring a tow strap, rope or chain at least 18 feet long with a load strength of 5000 pounds. Make sure you have a spare tire, jack and jack support, an 18x18 1/2 inch thick board will work for a support. Some more equipment to have would be a flashlight, first aid kit and a small fire extinguisher. Also don't forget to take a bag for your trash. If you have a cellular phone bring that so you can get towed off the beach if your truck breaks down. I just leave everything in there so I won't forget about it because remembering that you should have brought it when you need it won't do you any good. I also keep jumper cables and tools in it to work on the truck. If the battery has a full charge and the truck doesn't start the most common problem is one of the wires at the battery terminals coming loose from bumps. If it's kind of tight but you can still move it just a little bit with your hand that's all it takes to cause a problem. If that's not the problem check the cables for splits with corrosion in it and check for other loose or corroded connections. This might save you a tow but it could be something else that you won't be able to fix.

- Problems -

If you start to get stuck and the wheels are spinning then stop. Try to rock it out of there with forward and reverse. If the wheels keep spinning then stop again. Let some of the air out of the tires and dig the sand out from around the back and front of the wheels. Then try to rock the truck out of there again using forward and reverse. Don't let it get buried up to the axles. If the sand is really loose with deep

ruts which can be a problem in some areas during the summer, you might have to back out of that area and try going around it.

If you get buried up to your axles try to stop somebody going through and see if they will pull you out with their truck. When you get the tow strap around the bumpers go forward with them slowly. If your in a bad spot and nobody can get to you, you'll have to get a tow truck to pull you out.

If your in a situation where nobody can pull you out or your truck breaks down and you don't have a cellular phone, try catching a ride off the beach with somebody. Park rangers will call a tow truck for you if your in the national park but they not allowed to pull you out. Don't expect anybody else to call a tow truck for you because they could be held responsible for the bill. The reason is if the person gets out and takes off before the tow truck gets there then the person that made the call is responsible for it, I've had this happen to me.

Another common problem with beach driving is trucks over heating during the summer so watch your temperature gauge. If it starts getting real hot stop and turn on your heater that will cool it down. Don't let the engine get real hot because you could warp or melt something inside it.

If you have any problems with your truck breaking down on the beach call Island Convenience Store in Rodanthe 252-987-2239 they will tow it off the beach and fix it. If it's something they don't work on like transmissions, they will recommend somebody good that can fix it and tow you there. If you strip your hubs, my advice is to get Warn manual locking hubs and they can be installed on trucks that have automatic locking hubs.

Something else I want to warn you about is what the local mechanics call beach rot. That's another name for saltwater and spray damage and the reason I don't drive on the beach much anymore. I'd wash your vehicle off good after each trip. If your going to be driving on the beach a lot you might want to get your vehicle undercoated with burnt motor oil. You can get it sprayed on for about \$55 dollars.

Rhode Island Regulations:

- I. Counties in Rhode Island
 - A. No county in the state of Rhode Island has any form of government; all local law and regulation is established by the municipalities specifically.
- II. Cities in Rhode Island
 - A. Narragansett
 1. No specific regulation is set for beach driving, but the city code of regulations states that the city has the right to change access points to beach areas at their discretion.
 - B. Newport
 1. Beach driving is not allowed, except in the case of public emergency and maintenance employees in the act of duty and necessity.
- III. Barrier Beaches
 - A. Established under the state of Rhode Island “Coastal Resource Management Program”, beach driving is allowed on certain beaches (i.e. East Beach State Park) through a permit system with specific regulations.
 - B. Permit Requirements include:
 1. Vehicle access to the beach is at designated entrances only.
 2. Anything other than a four-wheel drive vehicle is prohibited, unless it is operated by a municipal employee (emergency or maintenance) in the act of their given duties.
 3. Permits are sold annually for the period of July 1st to June 30th at a rate of fifty dollars (\$50.00) for in state residents, and one hundred dollars (\$100.00) for non residents.
 4. Vehicles must be properly registered, insured, and drivers must have a valid drivers’ license.
 5. The speed limit while driving on the beach is ten (10) miles per hour (mph), and five (5) miles per hour (mph) when approaching pedestrians.
 6. Vehicles are prohibited on dunes or within seventy-five feet (75’) of the dune crest except on trails marked expressly for vehicle use. Prohibited areas may or may not be vegetated.
 7. Beach driving is not allowed on any of the vegetated areas on the beach.
 8. Any ruts left on the beach must be repaired by the driver.
 9. Headlights must be used from sunset to sunrise.
 10. All passengers must ride inside the cab of the vehicle.
 11. Beach driving is not allowed on swimming beaches during the hours in which swimming is allowed and lifeguards are on duty.
 12. Beach drivers are subject to all applicable town ordinance, and state and federal regulations for motor vehicle operations.
 13. Beach drivers are required to carry the proper safety equipment in their vehicle at all times (i.e. shovel, tow rope/chain, jack, a street legal spare tire, etc).

14. Failure to meet any requirement or to follow all regulations can result in a fine.

South Carolina Regulation

- I. Counties in South Carolina (regulation where found)
 - A. Horry County
 1. Motor vehicles are prohibited on the beaches. However, “golf carts” with a valid state permit operated by a licensed driver are allowed on the beaches from November 1st to the end of February.
 - B. Georgetown County
 1. Motor vehicles driven by the public are prohibited on the beaches.
 2. Emergency and County officials may drive on the beach when necessary.
 - C. Beaufort County
 1. Public use of motor vehicles on the beach is not allowed, but Emergency and County officials may drive on the beach when necessary.
- II. Cities in South Carolina (regulation where found)
 - A. North Myrtle Beach
 1. The public is not allowed to drive on the beach. Emergency and County officials may drive on the beach when necessary.
 2. Small designated vehicles are allowed to transport the physically handicapped public, so that they may enjoy the beach according to state law.
 - B. Myrtle Beach
 1. The public is not allowed to drive on the beach. Emergency and County officials may drive on the beach when necessary.
 2. Small designated vehicles are allowed to transport the physically handicapped public, so that they may enjoy the beach according to state law.
 - C. Surfside Beach
 1. The public is not allowed to drive on the beach. Emergency and County officials may drive on the beach when necessary.
 2. Small designated vehicles are allowed to transport the physically handicapped public, so that they may enjoy the beach according to state law.
 - D. Edisto Beach
 1. The public is not allowed to drive on the beach. Emergency and County officials may drive on the beach when necessary.
 2. Small designated vehicles are allowed to transport the physically handicapped public, so that they may enjoy the beach according to state law.
 - E. Hilton Head Island
 1. The public is not allowed to drive on the beach. Emergency and County officials may drive on the beach when necessary.

2. Small designated vehicles are allowed to transport the physically handicapped public, so that they may enjoy the beach according to state law.
- III. State Parks in South Carolina
- A. General regulation of vehicle use in parks
 1. All motor vehicles must be driven on designated roads and trails
 2. Motor vehicles must be properly licensed to be driven on park roads.
 3. No motor vehicles are allowed on horse trails, hiking trails or beach areas.
- IV. South Carolina National Wildlife Refuges (NWR)
- A. Cape Romain NWR
 1. The only areas on the entire NWR with motor vehicle access are the refuge office, Garris Landing and the Sewee Visitor and Environmental Education Center. All other areas prohibit motor vehicle access.
 - B. Tybee NWR
 1. The entire refuge is considered a sanctuary for migratory birds, and is therefore closed to the public
 - C. Waccamaw NWR
 1. This NWR is extremely new, and public access opportunity is limited for the time being for this reason.

South Carolina Counties

Horry County Municipal Code:

Sec. 5-2. Vehicles and horses prohibited.

(a) *Vehicles*. It shall be unlawful for any person to drive or operate any motor vehicle of any kind or nature upon the public beach or within public marsh areas within the county limits. All county police vehicles, county vehicles operated while cleaning or working on the beach, emergency vehicles, and approved beach franchise vehicles are exempted from the application of this section. **Golf carts bearing a valid state permit and being operated safely by a licensed driver in accordance with state law, are allowed on the beaches between November 1 and the end of February.**

(b) *Horses and other animals*. It shall be unlawful for any person to ride or drive a horse or any other animal on the public beach or within public marsh areas within the county limits between March 1 and October 31 of each calendar year.

(c) *Rights of handicapped unaffected*. The provisions of this section shall in no way be construed as to limit or prohibit the rights conferred upon the handicapped in accordance with federal or state law, including South Carolina Code Annotated section 43-33-25 (1976 as amended).

(Ord. No. 10-85, § 2, 6-4-85; Ord. No. 15-92, § 2, 5-5-92; Ord. No. 81-99, § 1, 6-22-99; Ord. No. 5-00, § 1, 3-21-00)

Cross references: Use of bicycles, § 5-21.

Georgetown County Municipal Code:

Sec. 5.5-17. Prohibitions.

The following shall be prohibited:

(a) *Vehicles prohibited*. Driving or operating any motor vehicle of any kind or nature upon the public beach within the county shall be unlawful; provided, that **county vehicles** operated while cleaning or working on the beach, county sheriff and emergency vehicles **shall be exempt** from the application of this section.

(b) *Horses on beach*. Riding horses on the beach shall be unlawful from March 15 until September 15 of each year.

Beaufort County Municipal Code:

Sec. 90-63. Prohibitions.

The following shall be prohibited on public beaches:

(1) *Vehicles*. Driving or operating any motor vehicle of any kind or nature upon the public beach within the county shall be unlawful, **provided that county vehicles operated while cleaning or working on the beach and county sheriff and emergency vehicles shall be exempt from the application of this subsection.**

(2) *Horses on beach*. Riding or driving horses on the beach shall be unlawful from March 15 to October 15.

Cities, Towns, Villages, etc:

North Myrtle Beach:

Sec. 5-2. Motor vehicles on beach.

(a) It shall be unlawful for any person to drive any motor vehicle, of any nature or description, upon the public beach within the city. This prohibition shall not apply to governmental, emergency or other authorized vehicles.

(b) **This section in no way prohibits rights conferred upon the handicapped** in accordance with South Carolina Code Annotated, Section 43-33-25 (1976 as amended). (Code 1970, § 6-2; Ord. of 6-17-75; Ord. of 5-27-80; Ord. No. 86-27, 11-3-86; Ord. No. 87-5, 5-5-87; Ord. No. 89-54, § 1, 11-21-89; Ord. No. 96-27, § 1, 8-5-96)

Sec. 5-2.1. Driving on dunes.

It shall be unlawful for any person to drive any vehicle, whether motorized or self-propelled, upon any sand dunes located within the city limits of North Myrtle Beach. (Ord. No. 87-6, 5-5-87)

Sec. 5-3. Riding or driving animals on beach.

It shall be unlawful for any person to ride a horse or any other animal on the public beach. (Code 1970, § 6-3; Ord. of 12-15-81)

Myrtle Beach:

Sec. 5-2. Vehicles prohibited.

It shall be unlawful for any person to drive or operate any motor vehicle of any kind or nature upon the public beach within the city; provided, that city vehicles operated while cleaning or working on the beach, city police and emergency vehicles shall be exempt from the application of this section; and it is further provided that from September 15th to March 15th, vehicles may access the public beach at the Second Avenue North streetend and at the emergency access at 5400 Ocean Boulevard for the limited purpose of launching and loading boats. Launching and unloading shall be accomplished within 200 feet of the point of access. Vehicle access and operation shall be temporary and for the limited purpose of launching or loading boats within the area designated above and as identified by signage. No parking or storage of vehicles, trailers or boats shall be permitted on the public beach.

(Code 1980, § 7-10-2; Ord. No. 2000-50, 10-10-00)

Sec. 5-3. Riding or driving horses on beach.

It shall be unlawful, without a permit from the city clerk, approved by the city manager, for any person to ride a horse or any animal on the public beach. (Code 1980, § 7-10-3)

Cross references: Animals, § 4-8.

Surfside Beach:

Sec. 12-70. Horses.

It shall be unlawful for any person to bring or have a horse, or any other animal that can be ridden, on the streets or public beaches within the town's corporate limits. (Code 1969, § 5-47; Ord. No. 95-0361, 4-4-95)

Cross references: Animals generally, Ch. 3.

Sec. 12-71. Vehicles.

The operation of motor vehicles on the beaches of the town is prohibited, but this prohibition shall not apply to emergency or law enforcement vehicles being used as such. (Code 1969, § 12-26)

Edisto Beach:

The driving or operating of any motor vehicle of any kind or nature on the beach within the town is prohibited; however, governmental vehicles operated while cleaning or working on the beach, law enforcement vehicles, emergency vehicles, or vehicles operating pursuant to a duly granted permit from the town shall be exempt from the application of this section. In addition, individuals who have physical handicaps that are recognized by state law, and that would otherwise preclude their use and enjoyment of the beach, may drive on the beach an appropriate small open motorized vehicle designed to transport one such handicapped individual at speeds not in excess of ten miles per hour.

Hilton Head Island:

PART A. GENERAL BEACH PROHIBITIONS

Sec. 8-1-211. Unlawful activities enumerated.

In order to assure the public health, safety, and welfare of all individuals using the beaches within the town, it shall be unlawful for any person to do any of the following activities on the beaches within the town:

(1) *Vehicles prohibited.* The driving or operating of any motor vehicle of any kind or nature on the beach within the town; provided, however, that governmental vehicles operated while cleaning or working on the beach, law enforcement vehicles, emergency vehicles, or vehicles operating pursuant to a duly granted permit from the town shall be exempt from the application of this section. In addition, individuals who have physical handicaps 1) which are recognized by state law, and 2) which would otherwise preclude their use and enjoyment of the beach, may drive on the beach an appropriate small open motorized vehicle designed to transport one such handicapped individual, at speeds not in excess of ten (10) miles per hour.

(9) *Horses on beach.* The riding or driving of horses on the beach.

General State Parks Regulation: (<http://www.scstatehouse.net/code/t51c003.htm>)

South Carolina Code of Laws
(Unannotated)
Current through the end of the 2006 Regular Session

SECTION 51-3-145. Certain acts unlawful at state parks.

It shall be unlawful for any person to commit any of the following acts at any park or facility under the jurisdiction of the Department of Parks, Recreation and Tourism:

- (A) Destroying, defacing, disturbing, disfiguring, or removing any part of any building, sign, structure, or equipment.
- (B) Killing, harming, or harassing any mammal, bird, reptile, or amphibian, except by permit issued by the department or by permit issued by the South Carolina Department of Natural Resources for designated Game Management Areas.
- (C) Hunting in any area, with the exception of those that may be designated as Game Management Areas.
- (D) Destroying, cutting, breaking, removing, defacing, mutilating, injuring, taking or gathering any tree, shrub, other plant or plant part, rock, mineral, or geological feature except by permit issued by the department.
- (E) Building any fire in any place other than those specifically designated for such a purpose.
- (F) Disposing of litter, garbage, or other refuse in places or receptacles other than those specifically provided for such purpose. Such unlawful disposing of litter, garbage, or refuse shall include:
 - (1) Dumping any refuse or waste from any trailer or other vehicle except in places or receptacles provided for such use.
 - (2) Cleaning fish, or food, or washing clothing, or articles for household use in any sink, or at any faucet located in restrooms.
 - (3) Polluting or contaminating any water used for human consumption.
 - (4) Using park refuse containers or facilities for dumping household or commercial garbage or trash brought as such from private property.
 - (5) Depositing, except into receptacles provided for that purpose, any body waste, or depositing any bottles, cans, clothes, rags, metal, wood, stone, or other damaging substance in any fixture in any restroom, or other structure.

(G) Possessing any firearm, airgun, explosive, or firework except by duly authorized park personnel, law enforcement officers, or persons using areas specifically designated by the department for use of firearms, airguns, fireworks, or explosives. Licensed hunters may have firearms in their possession during hunting seasons provided that such firearms are unloaded and carried in a case or the trunk of a vehicle except that in designated game management areas where hunting is permitted, licensed hunters may use firearms for hunting in the manner authorized by law. This subsection shall not apply to a person carrying a concealable weapon pursuant to Article 4, Chapter 31, Title 23, and the concealable weapon and its ammunition.

(H) Operating vehicles in a reckless manner, or in excess of posted speed limits, or in areas other than those specifically intended for vehicular traffic. A violation of the following provisions shall constitute the unlawful operating of vehicles:

(1) Motorbikes, minibikes, mopeds, motorcycles, motor scooters, go-carts and any other type motorized vehicle shall not be driven in any area or on any trail not intended for their use. Only licensed motorized vehicles shall be allowed on park roads.

(2) No motorized vehicle of any kind shall be allowed on horse trails, hiking trails or beach areas.

(3) Motor vehicles shall not be driven on roads in developed recreation sites for any purpose other than access into or egress out of the site.

National Wildlife Refuges:

Cape Romain:

The refuge office, Garris Landing and the Sewee Visitor and Environmental Education Center are the only facilities accessible by automobile. Refuge islands are only accessible by boat.

The refuge aids in the recovery of the threatened loggerhead sea turtle and the endangered red wolf. It has the largest loggerhead sea turtle rookery in the U.S. outside Florida, averaging 1,000 nests per year. Bull Island is a propagation site for the red wolf. Other endangered or threatened species occurring on the refuge include the bald eagle, peregrine falcon, piping plover, least tern, wood stork, American alligator, and sea beach amaranth.

Cape Romain encompasses Bulls Bay and a number of lesser bays making up one of the least developed and most productive estuaries on the East Coast of the United States. The refuge harbors the largest wintering populations of American oystercatchers and marbled godwits in the U.S. The refuge also has one of the largest Eastern brown pelican and least tern rookeries in the State.

Tybee National Wildlife Refuge:

The entire refuge is considered sanctuary for migratory birds and closed to all public use.

Waccamaw National Wildlife Refuge:

Waccamaw NWR is a very new refuge, therefore public use areas and opportunities have yet to be developed. As time goes by, more information will be available.

Virginia Regulations:

- I. Counties of Virginia (regulation where found)
 - A. Gloucester County
 - 1. Within designated park areas, vehicles may not be driven nor parked anywhere besides the improved roads and parking areas.
 - B. Lancaster County
 - 1. Lancaster County makes on reference to specific regulation of beach driving. However, they do state that it is in their interest to protect “coastal primary areas” and vegetation growth.
 - C. York County
 - 1. Motor vehicle use is confined to designated roads only, implying beach driving to be prohibited.
 - D. Arlington County
 - 1. Beach driving regulation is not specifically mentioned in their municipal code.
 - E. Northumberland County
 - 1. Nothing in the Northumberland County public access plan gives regulation specifically for beach driving.
 - F. Mathews County
 - 1. Beach driving is prohibited.
 - G. Accomack County
 - 1. Beach driving is prohibited, except in the case of emergency.
- II. Cities of Virginia (regulation where found)
 - A. Virginia
 - 1. Beach driving is prohibited.
 - B. Cape Charles
 - 1. Beach driving is prohibited.
 - C. Newport News
 - 1. Beach driving is prohibited.
 - D. Hampton
 - 1. Beach driving is prohibited.
 - E. Poquoson
 - 1. There is no specific regulation stated in their municipal code pertaining to beach driving, but it is implied that beach driving is prohibited.
 - F. Chesapeake
 - 1. Motor vehicle use is limited to designated roadways.
- III. State Parks of Virginia
 - A. Per the *State Park Service of Virginia*, beach driving is not allowed in any State Park.
- IV. Virginia National Wildlife Refuges (NWR)
 - A. Eastern Shore of Virginia and Fisherman’s Island
 - 1. Transportation on the NWR is limited to foot access, and access is generally limited to NWR employee guided tours during the months of October to mid-March.

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Virginia

Virginia

County Regulation:

Gloucester County:

Sec. 13.5-3. Operating or parking vehicles in recreational facilities generally. (no definite language concerning beach driving within the county regulations for Gloucester County)

No person shall operate or park any vehicle in public parks and recreational facilities except on the roadways and parking areas provided and/or designated for this purpose. Nor shall any vehicles be parked in a manner as to impede or obstruct the normal, safe flow of traffic.

Lancaster County: (no direct mention of beach vehicle use in the Lancaster County code of regulations)

ARTICLE II. COASTAL PRIMARY SAND DUNE REGULATIONS*

***State law references:** Coastal Primary Sand Dune Regulations, Code of Virginia, § 28.2-1400 et seq.

Sec. 26-26. Adoption.

The board of supervisors, acting pursuant to Code of Virginia, § 28.2-1400 et seq., adopts this article regulating the use and development of coastal primary sand dunes. Whenever coastal primary sand dunes are referred to in this article, such references shall also include beaches.

Sec. 26-27. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach means the shoreline zone comprised of unconsolidated sandy material upon which there is a mutual interaction of the forces of erosion, sediment transport and deposition that extends from the low water line landward to where there is a marked change in either material composition or physiographic form, such as a dune, bluff, or marsh; or, where no such change can be identified, to the line of woody vegetation which is usually the effective limit of stormwaves, or the nearest impermeable manmade structure, such as a bulkhead, revetment, or paved road.

Coastal primary sand dune or *dune* means a mound of unconsolidated sandy soil which is contiguous to mean high water, whose landward and lateral limits are marked by a change in grade from ten percent or greater to less than ten percent, and upon which is growing any of the following species:

- (1) American beach grass (*Ammophilla breviligulata*);
- (2) Beach heather (*Hudsonia tometosa*);
- (3) Dune bean (*Strophostylis* spp.);

- (4) Dusty miller (*Artemisia stelleriana*);
- (5) Saltmeadow hay (*Spartina patens*);
- (6) Seabeach sandwort (*Arenaria peploides*);
- (7) Sea oats (*Uniola paniculata*);
- (8) Sea rocket (*Cakile edentula*);
- (9) Seaside goldenrod (*Solidago sempervirens*); and
- (10) Short dune grass (*Panicum ararum*).

For purposes of this article, "coastal primary sand dune" shall not include any mound of sand, sandy soil, or dredge spoil deposited by any person for the purpose of temporary storage.

Commission means the state marine resources commission.

Commissioner means the commissioner of marine resources.

County means the board of supervisors.

Governmental activity means any of the services provided by the commonwealth or the county to its citizens for the purpose of maintaining public facilities, including but not limited to such services as constructing, repairing, and maintaining roads; providing street lights and sewage facilities; supplying and treating water; and constructing public buildings.

Wetlands board or *board* means the board created pursuant to Code of Virginia, § 28.2-1303.

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 26-28. Permitted uses and activities.

The following uses of and activities in dunes are authorized if otherwise permitted by law:

- (1) The construction and maintenance of noncommercial walkways which do not alter the contour of the coastal primary sand dune.
- (2) The construction and maintenance of observation platforms which are not an integral part of any dwelling and which do not alter the contour of the coastal primary sand dune.
- (3) The planting of **beach** grasses or other vegetation for the purpose of stabilizing coastal primary sand dunes.
- (4) The placement of sand fences or other material on or adjacent to coastal primary sand dunes for the purpose of stabilizing such features, except that this subsection shall not be interpreted to authorize the placement of any material which presents a public health or safety hazard.
- (5) Sand replenishment activities of any private or public concern, provided no sand shall be removed from any coastal primary sand dune unless authorized by lawful permit.
- (6) The normal maintenance of any groin, jetty, riprap, bulkhead, or other structure designed to control **beach** erosion which may abut a coastal primary sand dune.
- (7) The normal maintenance or repair of existing roads, highways, railroad beds, and facilities of the United States, the commonwealth, the county, or any city, or of any person, provided no coastal primary sand dunes are altered.
- (8) Outdoor recreational activities, provided the activities do not alter the natural contour of the coastal primary sand dune or destroy the vegetation growing thereon.**
- (9) The conservation and research activities of the commission, Virginia Institute of

Marine Science, department of game and inland fisheries, and other conservation-related agencies.

(10) The construction and maintenance of aids to navigation which are authorized by governmental authority.

(11) Activities pursuant to any emergency declaration by the governing body of any local government or the governor of the commonwealth or any public health officer for the purposes of protecting the public health and safety.

(12) Governmental activity in coastal primary sand dunes owned or leased by the commonwealth or a political subdivision thereof.

York County: (http://www.yorkcounty.gov/code/vti_script/contents.htm0.idq)

(nothing specifically listed for York county on their website, or municode.com)

(f) *Operation confined to roads.* No person shall drive any vehicle, including nonlicensed motorized vehicles, except during an emergency on any area except the paved public area roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the appropriate governing official. No motorcycle, go-cart, moped, minibike, motorized trail bike or similar vehicle shall be operated in or on the parking lot of any public school or county-owned building.

Arlington County:

(nothing specifically listed on beach driving in the Arlington County code of regulations)

Northumberland County: (<http://www.co.northumberland.va.us/>)

1. The Chesapeake Bay Area Public Access Plan (This plan does not list anything specific to beach driving, but does explain the need for increased public access, which could mean future beach driving access if it is not already allowed)

In 1990, the Chesapeake Executive Council published its report titled The Chesapeake Bay Area Public Access Plan which included a report for every county within Virginia and in the adjoining states that were covered by the program. That study identified major existing access facilities ranging from state-operated boat ramps to commercial marinas. Figure 1.20 depicts the general locations of the waterfront access facilities in Northumberland County. They are grouped on this map into four categories:

- Fishing piers, Great Wicomico River Public Fishing Pier
- Boat Ramps, including state as well as private ramps. In addition to the public boat launch ramps, many, if not most, of the marinas also have boat launching ramps in addition to boat slips. However, marinas usually charge for the use of their launch facilities, whereas public ramps are for the most part free to use.
- Swimming Beaches: There is one public (free) beach (Vir-Mar Beach) identified in the inventory. Also, many of the member-only community associations have private recreational areas that include beaches.
- Natural Area Preserves. There are also several natural habitat areas some of which provide limited access for purposes of observation and nature study. The State has two three nature preserves, one upstream on the Great Wicomico River, Bush Mill Stream, one at the mouth of Dividing Creek, Hughlett Point, and Dameron Marsh which is

located mid-point on the Chesapeake Bay shore in the County. Each of these sites has some potential for public access. Bird (and wildlife) watching, and hiking are passive recreation activities that are allowed at these preserves.

The Public Access Plan cites a need to increase access to public beaches and to upgrade public boat ramps. Marshes and wetlands are also suggested as resources to extend opportunities for the public to enjoy the shoreline and waterfront for both recreational and educational purposes. The concern for more and improved public access to public waters also came from community workshops. It was observed in the workshops that the present level of facilities is inadequate to serve county residents as well as summer visitors. The previous Comprehensive Plan pointed out the lack of public water access points in the County for citizens. The County is blessed with 14 power boat ramps; however, there are very little opportunities for those citizens who want to bank fish, crab, launch canoes and/or kayaks, and most of the sites suffer from inadequate parking. The County does have VirMar Beach, a small (250 ft) long beach area on the Potomac River for fishing, crabbing, swimming and/or picnicking. The Northumberland County Planning Commission has been working for over five years towards improving public water access for Northumberland County citizens. To that end, Northumberland County, with the assistance from the Northern Neck Planning District Commission submitted a grant application for a public fishing pier on the Great Wicomico River to The Virginia Department of Environmental Quality's Coastal Program (funded by the National Oceanic and Atmospheric Administration) in 1999. To secure matching funds, the County submitted another grant application to the Virginia Marine Resources Commission's Recreational Saltwater Fishing Fund in 2000. Both grants were awarded, and the County now has a public fishing/crabbing pier to serve its citizens.

As Table 4.1 illustrates, **there are two public beaches in the County, Hughlett Point and Vir-Mar Beach at the end of Route 806 near Hacks Neck. Vir-Mar Beach is only 250 feet long, has no improvements and the beach is not protected from sea nettles.**

In the same sense, public beaches may also contribute to the economy of the County while providing a major recreational service for local citizens. One needs only to look at the growth of other communities along the East Coast to see that public beaches attract significant investment that satisfies a market for recreation. The growth of sport and recreational boating, combined with expanded beaches and controlled beach front development, offers a substantial opportunity for the growth of Northumberland County's economy.

Mathews County:

(http://www.e-codes.generalcode.com/codebook_frameset.asp?ep=fs&t=ws&cb=1886 A ARTICLE I Beaches [Adopted 4-8-1980; amended 7-13-1982])

§ 109-1. Title. [Amended 10-22-2002]

This article shall be known as "An Ordinance Controlling the Use of Certain Public Beach Properties and Fixing Penalties for its Provisions."

§ 109-2. Purpose. [Amended 10-22-2002]

The purpose of this article is to regulate certain activities on the Festival Beach property located at the terminus of State Route No. 643; the public beach property located at the terminus of State Route No. 632; and the public beach property located at the terminus of State Route No. 645; all of which are located within Mathews County.

§ 109-3. Use restrictions. [Amended 10-22-2002]

- A. Vehicular traffic on beach properties. It shall be unlawful for any person or persons to operate or drive a vehicle of any kind on the specified beach properties beyond the road or designated parking areas.
- B. Hours of use of specified beach properties. It shall be unlawful for any person or persons to use, go upon, or remain upon the beach properties between the hours of 10:00 p.m. and 6:00 a.m. daily.
- C. Setting of fires on specified beach properties. It shall be unlawful for any person or persons to set a fire or fires upon the beach properties.

§ 109-4. Violations and penalties. [Amended 9-25-2001]

Any person violating the provisions of this article shall be guilty of a Class 1 misdemeanor.

Accomack County:

ARTICLE VII. BARRIER ISLAND DISTRICT "BI"

Sec. 106-151. Statement of intent.

This district covers the Barrier Islands, except those Barrier Island properties owned by the federal or state government. This district is established for the specific purpose of preserving the Barrier Islands as buffers to the Atlantic Ocean, to limit the demand for services, particularly during times of flooding and storm, and otherwise to reduce the risk of loss due to flooding and storms, and to reduce the polluting of waters which are vital to the fishing and shellfish industry of Accomack County. Uses not consistent with the existing character of this district are not permitted.

Sec. 106-152. Uses permitted by right.

The following uses shall be permitted subject to all other requirements of this chapter as a matter of right in Barrier Island district "BI":

- (1) Vacation cottages which meet the criteria set forth in sections 106-158, 106-159, and 106-160, below.
- (2) Game preserves and conservation areas.

(3) Motor vehicles. Motor vehicles shall be operated in Barrier Island district "BI" only if the applicant agrees to comply and conform to the following conditions and requirements as well as such other conditions established by the zoning administrator:

a. No more than one vehicle per vacation cottage shall be permitted, except as provided in subsection 106-152(3)d.

b. Motor vehicles may be used only for transportation of persons, provisions and materials from landing points and lots on the islands to and from lots and vacation cottages.

c. Except in emergencies, motor vehicles are to operate only on roads existing at the time of the passage of this section of this chapter and in the intertidal zone (between mean low and high waters), except for such crossings of the coastal primary dune as are necessary to gain access to property, provided that the coastal primary dune shall be crossed by motor vehicles only at such points and in such ways as may be permitted pursuant to Code of Virginia, §§ 62.1-13.21, et seq. (1950), as amended.

d. A temporary permit for more than one vehicle may be issued by the zoning administrator where said vehicles are to be used solely in the process of construction of permitted structures.

e. All dune buggies, all terrain cycles (ATCs) and all terrain vehicles (ATVs) are prohibited.

f. All vehicles shall have radial, implement or similar type tires, with the exception of construction vehicles, the specifications of which shall be as prescribed by the zoning administration.

g. No disabled or abandoned vehicles shall be permitted to remain in Barrier Island district "BI".

Cities:

Virginia Beach:

Sec. 6-12. Riding horses or driving vehicles on beach or dunes.

(a) It shall be unlawful for any person to ride a horse or any other animal or to operate or drive a vehicle of any kind on the public beaches or upon the sand dunes within the city, except that area between the ocean and sand dunes south of the exit ramp at the southern end of Little Island Recreation Park (now being used as a public way to commute back and forth to a place of residence).

(b) The provisions of this section shall not apply to the police mounted patrol, city vehicles operated while cleaning or working on the beach, police and emergency vehicles, erosion commission vehicles, vehicles of net fishermen operating under proper permits, or vehicles operated by physically handicapped persons by permission of the city manager or his designee.

(c) The provisions of this section shall not apply in the resort area between November 1 and April 15 to conduct that is explicitly authorized by a special events permit issued pursuant to City Code section 4-1 or by franchise awarded by the city council.

(Code 1965, § 6-6; Ord. No. 1849, 4-3-89; Ord. No. 2123, 4-28-92; Ord. No. 2927, 2-28-06; Ord. No. 2960, 9-5-06)

Cross references: Animals, Ch. 5; traffic, Ch. 21.

Cape Charles:

Sec. 14-9. Operating vehicles on beach.

(a) It shall be unlawful for any person to operate or drive a vehicle of any kind, including, but not limited to motor vehicles, bicycles, tricycles and similar devices, but not including wheelchairs, on the public beaches within the town.

(b) Town vehicles operated while cleaning or working on the beach, town police and emergency vehicles and erosion commission vehicles operating under proper permits shall be exempt from the application of this section.

(Ord. No. 3, art. I, §§ 2--4, 7-10-73; Ord. of 3-17-81, § 4.29)

Cross references: Motor vehicles and traffic, ch. 42.

Sec. 14-10. Riding horses or other animals on beach.

It shall be unlawful for any person to ride a horse or other animal on the public beaches within the town.

(Ord. No. 3, art. I, § 4, 7-10-73; Ord. of 3-17-81, § 4.29)

Newport News:

Sec. 29-28. Operating or parking vehicles in recreational facilities generally.

(a) **It shall be unlawful** for any person to operate or park any vehicle in any recreational facility of the city, except on the roadways and parking areas provided for this purpose and in other areas designated for such purpose by the director. Nor shall any vehicles be parked in a manner as to impede or obstruct the normal safe flow of traffic.

(b) All the provisions of Chapter 26 shall be applicable to all recreational facilities owned by or under the jurisdiction of the city, except those provisions specifically changed or modified by this article.

(Ord. No. 172, §§ 20, 21; Code 1961, §§ 26-26, 26-27; Ord. No. 2909-82)

Sec. 29-29. Vehicles entering recreational facilities; driving in indicated direction.

No person driving a vehicle shall enter or leave any recreational facility except directly by the highway and then only by the roadways as laid out in such facility for that purpose, nor shall a person drive a vehicle in any direction over the roadways other than as indicated or directed by signs placed by city authority along such roadways unless designated otherwise by the director.

(Ord. No. 172, § 22; Code 1961, § 26-28; Ord. No. 2909-82)

Sec. 29-30. Commercial vehicles or trucks or vehicles of hucksters, hawkers, etc.

(a) No commercial vehicle will be permitted in any recreational facility except vehicles carrying picnickers and their supplies to and from the picnic areas or vehicles carrying marketing goods, wares and merchandise, supplies or materials of any kind, for use in programs and/or operation of that facility, and except as provided in subsection (b) below.

(b) It shall be unlawful for hucksters, hawkers or vendors to bring their vehicles into any recreational facility without authorization from the director.

(Ord. No. 172, §§ 5, 20; Code 1961, §§ 26-7, 26-25; Ord. No. 2909-82)

Sec. 29-32. Use of nature trails, pedestrian paths, etc.

No persons other than those authorized by the director shall operate a motorized vehicle upon natural trails, pedestrian paths, bikeways or bridle paths, bikeways or bridle paths specifically designated and established for such use.

(Ord. No. 2909-82)

Hampton:

Sec. 26-33. Unlawful **driving** of vehicles.

No person shall drive any motor vehicle, with the exception of emergency vehicles and other authorized vehicles, upon the grass footways or elsewhere in the public parks, public playgrounds, public **beaches** or public recreational areas of the city other than upon the roads or parking areas of such public parks, public playgrounds, public **beaches** or public recreational areas of the city; provided, that the director of parks may permit the temporary use of such areas for parking of vehicles for the transportation of goods or materials for use on the premises.

(Ord. No. 181; Ord. No. 290; Ord. No. 482; Ord. No. 494; Ord. No. 688, 5-13-81; Code 1964, § 27A-7; Ord. No. 755, § 27A-7(e), 6-22-83; Ord. No. 1130, 10-26-94)

Cross references: Motor vehicles and traffic, Ch. 21.

Poquoson:

Sec. 42-108. Alteration of sand **dunes** or wetlands areas.

Manmade alteration of sand dunes or wetlands areas, which would increase potential flood damage, are prohibited.

(Code 1982, § 7-62.1)

Chesapeake:

Sec. 50-8. Traffic.

(a) No person shall fail to comply with all applicable provisions of the traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances of the city.

(b) No person shall fail to obey all police officers and park rangers, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the streets or roads immediately adjacent thereto in accordance with the provisions of this chapter and such supplementary regulations as may be issued by the director.

(c) No person shall fail to observe all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper traffic control and to safeguard life and property.

(d) No person shall ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as may be designated by posted signs for speedier travel.

(e) No person shall drive any vehicle on any area except a roadway designated for that purpose or parking area or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

(Code 1970, § 17B-7; Ord. of 10-12-76; Ord. No. 92-O-149, § 17B-7, 10-13-92)

Cross references: Traffic and vehicles, ch. 74.

State Parks: (http://www.dcr.virginia.gov/state_parks/kip.shtml)

Per email response from the state parks services, the general public is not allowed to drive on any beach within state park properties:

The only park we have where this would come into play is False Cape State Park south of Sandbridge in Virginia Beach http://www.dcr.virginia.gov/state_parks/fal.shtml. General public access to the park is limited to hiking, bicycling and park provided vehicles.

Access to the park is also through the Back Bay National Wildlife Refuge.

During the winter months when migratory birds are in the refuge, all access through the refuge to the park is via the beach only. The refuges' interior dike roads are closed so as not to disrupt the waterfowl there.

Also, there are a limited number of residents of Corova in North Carolina who have access cards allowing them to come through a gate at the Virginia/North Carolina border (which is also the southern border of False Cape) and drive the beach through the park and Back Back to reach Virginia Beach rather than going the 50 plus miles or so they would need to go using other routes and bridges. There are something less than 40 card holders. No new cards are being issued. The permits are actually federal permits.

You may wish to contact Back Bay Wildlife Refuge for more information on both of these access issues.

National Wildlife Refuges:

Eastern Shore of Virginia and Fisherman's Island:

Permitted Activities

- Wildlife Observation
- Photography
- Nature Study
- Hiking (watch for signs closing some areas to the public)
- Pets (MUST be kept on a leash)

Fisherman Island Tours

Scheduled tours of Fisherman Island are offered on Saturday's from October through mid-March. The tour introduces visitors to the unique variety of wildlife found

on the island. As you pass through several habitats, you will learn about wildlife management on refuges, explore the diversity of wildlife, and discover the rich history of Fisherman Island and the role it played during World War II.