

DATE: February 14, 2015
VERSION: February 14, 2017
SPONSOR: Commissioner Stan Mills
AUTHOR: Glenn Mandalas

RE: For discussion at the Commissioners' regular meeting of February 17, 2017:

**AN ORDINANCE TO AMEND CHAPTER 95, BEACHES,
OF THE MUNICIPAL CODE OF THE CITY OF REHOBOTH BEACH, DELAWARE, 2001,
SECTION 95-10, AND TO INSERT NEW SECTION 95-2A,
RELATING TO RESTRICTIONS ON FIRES, COOKING DEVICES, UMBRELLAS,
BABY TENTS, AND OTHER FIXTURES ON THE BEACH**

1
2 **WHEREAS**, the Mayor and Commissioners of the City of Rehoboth Beach desire to establish
3 regulations relating to the use of umbrellas and other fixtures on the beach that will enhance the general
4 safety of the beach while promoting a vibrant beach environment free from the hazards associated with
5 open fires and cooking devices, and free from certain fixtures that have the potential to block lifeguarding
6 views, increase risk of injury, and detract from the picturesque nature of the City's shoreline;

7
8 **WHEREAS**, the City's Lifeguard Patrol has expressed safety concerns over the dramatic
9 proliferation of the use of large and nontraditional shading devices, some of which are partly or fully
10 enclosed, and other fixtures on the beach in recent years, due to their potential to block lifeguarding views
11 of the ocean, their potential to impede lifeguard access to the ocean during lifesaving events, and their
12 potential to become air born projectiles during periods of increased wind activity;

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14 **WHEREAS**, such shading devices and fixtures may be used to conceal the consumption of
15 alcohol on the beach, smoking on the beach, and other prohibited activities; and

16
17 **WHEREAS**, the use of open flames and cooking devices on the beach and in adjacent areas
18 creates hazards that jeopardize the public safety, and odors that compromise the public enjoyment of the
19 City's shoreline.

20
21 **BE IT ORDAINED** by the Commissioners of the City of Rehoboth Beach, in session met, a
22 quorum pertaining at all times thereto, in the manner following to-wit:

23
24 **Section 1.** Chapter 95, Section 95-2, of the Municipal Code of the City of Rehoboth Beach,
25 Delaware, 2001, as amended be and the same is hereby further amended by deleting Subsection F, as such
26 Subsection appears therein.

27
28 **Section 2.** Chapter 95 of the Municipal Code of the City of Rehoboth Beach, Delaware,
29 2001, as amended be and the same is hereby further amended by inserting a new Section 95-2A, as
30 follows:

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32 **§95-2A Restrictions on the use of umbrellas and other fixtures on the beach.**

- 33
34 A. Umbrellas with a collapsible circular shade no greater than eight feet in diameter
35 stretched over hinged ribs radiating from a central pole no greater than 7 feet 6 inches in
36 height, and without grounding lines, ropes, or sides are permitted on the beach.
37
38 B. Devices designed or used to shade infants and small children, also known as "baby tents",
39 no larger than 36 inches high by 36 inches wide by 36 inches deep, are permitted on the
40 beach.

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- C. Excluding umbrellas and baby tents, as described in this Section, unless used in conjunction with an event or ceremony where the use has been specifically included in an event permit issued by the City Manager at least fifteen days in advance of the intended use, other shading devices including tents, tarps, cabanas, pavilions, canopies, sports-brellas, temporary bathroom facilities, or similar devices, or any materials mounted on supports are prohibited.
- D. Umbrellas and baby tents shall be secured such that uncontrolled movement of the device is restricted. Baby tents when secured with fasteners, stakes, weights, or the like shall not endanger beach patrons. Anchoring lines, tethers, or the like shall not extend beyond the perimeter of the baby tent.
- E. No person shall locate an umbrella or baby tent in an area obscuring a lifeguard's view of the ocean or in an area impeding a lifeguard's egress from a lifeguard stand, as determined by a lifeguard.
- F. Umbrellas, baby tents, personal equipment, and personal items shall be removed from the beach daily. These items, if left unattended and remaining on the beach after 10:00 p.m. and prior to 7:00 a.m., will be classified as abandoned and may be removed and disposed, however at no time shall articles be located on the beach such that they impede the routine cleaning or maintenance of the beach.

Section 3. Chapter 95, Section 95-6, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Subsection C, as such Subsection appears therein.

Section 4. Chapter 95, Section 95-7, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Subsection C, as such Subsection appears therein.

Section 5. Chapter 95, Section 95-8, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the sentence "Any violation of this section is declared a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach.", as such sentence appears therein.

Section 6. Chapter 95, Section 95-9, of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting the sentence "Any violation of this section is declared a civil offense pursuant to Chapter 126 of the Municipal Code of the City of Rehoboth Beach.", as such sentence appears therein.

Section 7. Chapter 95 of the Municipal Code of the City of Rehoboth Beach, Delaware, 2001, as amended be and the same is hereby further amended by deleting Section 95-10 as such Section appears therein and inserting in lieu thereof a new Section 95-10 as follows:

§95-10 Fires and cooking on beach prohibited.

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88 It shall be unlawful for any person to build, start, ignite, or maintain any fire or open flame or use
89 any charcoal or propane fired grill, cooker, or heating device heated by fire, or any cooking
90 device, on any public beach, public beach access, street end adjacent to the beach, or any public
91 land immediately adjacent to the beach
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93 **Section 8.** Chapter 95 of the Municipal Code of the City of Rehoboth Beach, Delaware,
94 2001, as amended be and the same is hereby further amended by deleting Section 95-11 as such Section
95 appears therein and inserting in lieu thereof a new Section 95-11 as follows:
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97 **§95-11 Violations and penalties.**
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99 Any violation of this Article is declared a civil offense pursuant to Chapter 126 of the Municipal
100 Code of the City of Rehoboth Beach.
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102 **Section 9.** If any provision of this Ordinance shall be deemed or held to be invalid or
103 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any
104 other provision of this Ordinance which may be given effect without such invalid or unenforceable
105 provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.
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107 **Section 10.** This Ordinance shall be effective as of May 15, 2017.
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110 **SYNOPSIS:** This Ordinance amends provisions of Chapter 95 of the Municipal Code of the City of
111 Rehoboth Beach such that certain umbrellas and baby tents are permitted on the beach but other shading
112 devices are prohibited. This Ordinance also prohibits fires and cooking devices on the beach and on
113 public lands adjacent to the beach. This Ordinance further declares violations of Article 1 of Chapter 95 to
114 be civil offenses.
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116
117 Adopted by the Commissioners
118 of the City of Rehoboth Beach
119 _____, 2017
120

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123 _____
124 Secretary of the Commissioners of
the City of Rehoboth Beach.