

# Interim Rules for the Bay Walk, Bayside Beach & Gazebo

## DRAFT - FOR DISCUSSION

### Background:

- The State of Delaware owns a major portion of the bayside public beach and the Bay Walk. [Dewey Beach Enterprises \(DBE\)](#) leases these subaqueous lands from the State as an amenity to the public consistent with the Mutual Agreement & Release (MAR).
- Per Recorded Covenant between DNREC, the Town of Dewey Beach and DBE, the Town administers and enforces all appropriate beach and bay walk regulations.
- DBE is responsible to operate and maintain these amenities.

### Public Bay Walk

- The public Bay Walk shall be open to the public 24/7/365. The Bay Walk may close during unsafe or inclement weather conditions or other emergencies identified by the Town of Dewey Beach and/or Dewey Beach Patrol.
- Smoking is prohibited.
- Consumption of alcohol is prohibited.
- Littering is prohibited.
- ~~At times, there may be~~ No lifeguard on duty. Use Bay Walk and recreational amenities at your own risk.
- Skateboards, rollerblades, and bicycles are prohibited.
- Motorized vehicles are prohibited on the Bay Walk, except for motorized units that are ADA-compliant for handicapped persons.
- Dogs are permitted on the Bay Walk ~~but must have a valid license~~ issued by [the Town of Dewey Beach](#). ~~Dogs must be on a leash and under the owner's control, and~~ Dog owners must clean up after their dogs.
- DBE will petition DNREC for strategic built-in seating along Bay Walk to enhance the passive recreational experience for persons of all ages.
- DBE shall erect signage identifying rules for the Bay Walk consistent with its requirement from the State of Delaware Department of Natural Resources and Environmental Control (DNREC).
- Except as provided herein, all municipal laws, ordinances and regulations shall apply at all times.

**Commented [GP1]:** Should Bay Walk be closed 1:00 AM or 2 AM to 5 AM in season?

**Commented [GP2]:** Strike this bullet? Why would there be an expectation that a lifeguard would be on the baywalk?

**Commented [GP3]:** Should dogs be prohibited from the baywalk from 9:30 AM to 5:30 AM during the summer season?

### Public Beach and Gazebo

- The Van Dyke public bayside beach and gazebo are open to the public 24/7/365 except during the year-round curfew hours of 1:00 am to 5:00 am daily. The public beach and gazebo may close during unsafe or inclement weather conditions or other emergencies identified by the Town of

Dewey Beach and/or the Dewey Beach Patrol.

- ~~Depending upon conditions,~~ The Town of Dewey Beach ~~intends to may~~ assign a Dewey Beach Patrol lifeguard to the Van Dyke area public beach during certain summer hours. ~~The assignment may vary depending upon conditions.~~ Appropriate signage shall be in place to notify the public that use of the beach is at the public's risk when a lifeguard is not present.
- To assure public safety, the bayside beach will be closed during those periods when beach renourishment activity by Dewey Beach Enterprises occurs.
- The Town shall assist with determining a suitable distance for mooring on Rehoboth Bay to assure the safety of persons recreating in the bay. Docking to the pier or Bay Walk is prohibited.
- All persons must always keep the bayside beach and gazebo clean and litter-free by using the trash receptables.
- DBE and the Town will coordinate routine beach cleaning services.
- Smoking is prohibited.
- Climbing in or on the Gazebo or the Bay Walk by any adult or minor is prohibited.
- Camping on the beach and/or gazebo is prohibited.
- Beach chairs and umbrellas are permitted on the bayside public beach.
- Food and beverage, umbrella, and beach chair concessions will be available from a Town-approved contractor during the Summer season. The following are prohibited on the beach:
  - Drinking funnels
  - More than three (3) beverage containers unless in bulk metal or hard plastic containers
  - More than three (3) empty beverage or food containers
  - Glass containers
- Dogs are permitted on the beach and in the gazebo. Dogs must be licensed with the Town of Dewey Beach and must always remain under control. Dog owners must clean up after their dogs and use appropriate waste receptacles. During the summer season (May 15-September 15), dogs shall be prohibited on the bayside beach from 9:30 am until 5:30 ~~pm~~ daily except for a small area to be designated as "Pet Business Only".
- Volleyball activity is confined to the established court on Dickinson Street. No private volleyball posts may be erected on the Van Dyke public beach area.
- Consumption of alcohol on the public beach is prohibited at all times except via Special Use permit secured from the Town of Dewey Beach for events exclusively managed by the Hyatt Place Hotel and/or Lighthouse Cove Event Center which require a Gathering License from the Delaware Office of the Alcoholic Beverage Control Commissioner (ABCC).

**Commented [GP4]:** How would "suitable" be determined? Is there a liability issue if there is an injury and definition is challenged?

**Commented [GP5]:** How would coordination work? Vague re: responsibility

**Commented [GP6]:** Should tent-like structures be prohibited?

**Commented [GP7]:** Placeholder suggestion. Will other concessions be available on the beach?

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**Commented [GP8]:** Should this be included?

**Commented [GP9]:** Should off-season volleyball be allowed with Town permit and management by Hyatt or Lighthouse Cove?

- ~~Use of the public beach and Gazebo shall be administered by Dewey Beach Enterprises, coordinated with the Town.~~ The Bay Beach and Gazebo can be rented for wedding ceremonies by securing a Special Use Permit from the Town of Dewey Beach. Rules and limitations regarding weddings must adhere to the same oceanside rules. Such special use approvals shall be issued on a first-come, first served basis. Wedding events are confined to one hour or less, including time for set up and clean up.
- No person shall have a bonfire without securing a Town Special Use permit and paying the fee required by the Town of Dewey Beach Fee Schedule. For safety reasons, all pit fires must be set up and extinguished by a Town-approved vendor. All fires must be extinguished, and the beach cleaned up by 11:00 p.m. The Town shall approve only one pit fire per day, coordinated with DBE. Any clean-up fee deposit not used shall be refundable after 1:00 p.m. the day following the permitted fire. The approved vendor shall have full discretion to delay or deny a pit fire if any weather or public safety condition renders such a pit fire unsuitable or unsafe.
- Grills or any cooking and heating device using fire are prohibited.
- Fishing from the baywalk or beach is prohibited when bathers are within 100 feet from 10:00 AM until 5:00 PM during the Summer season.
- In order to attract interest in the bayside beach, Dewey Beach Enterprises shall be permitted to set up family friendly games on the beach to include corn holes, connect 8, etc. for its guests and the public.
- DBE shall erect signage identifying ~~the~~ rules for the beach and gazebo consistent with its requirement from the State of Delaware Department of Natural Resources and Environmental Control (DNREC).
- No vehicles shall be driven on the beach, except those operated by police, fire, emergency, town, beach concessionaires under contract, or other authorized municipal or state vehicle on official business.
- Except as provided herein, all municipal laws, ordinances and regulations shall apply at all times.

**Commented [GP10]:** Not clear what this means. Could the gazebo and beach be reserved for other special events on a first-come, first-served basis?

**Commented [FD11]:** Should a requirement to post information about restricted or reserved times be added?

### **Governing Documents:**

Declaration of Covenants and Grant of Public Easement, Town of Dewey Beach, Dewey Beach Enterprises, and DNREC, January 25, 2019.

DNREC Subaqueous Lands Lease SL-001/18, Department of Natural Resources & Environmental Control granted to Dewey Beach Enterprises, Inc., March 11, 2019.

Town of Dewey Beach oceanside beach rules, special use permit application, and wedding permit application.

Date of Latest Revision: Modified by the Town Manager on May 6, 2020.