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**AN ORDINANCE AMENDING CHAPTER 223, BEACH, OF
THE BETHANY BEACH TOWN CODE TO ADD A NEW ARTICLE VIII
RELATING TO RESTRICTIONS ON THE USE OF SHADING DEVICES ON THE BEACH**

WHEREAS, the Town Council of Bethany Beach considered complaints, other public comments and a fact-finding study concerning the proliferation and use of canopies, tents and other nontraditional shading devices on the beach.

WHEREAS, because the issues potentially affected the interests of all Bethany Beach property owners and residents, the Town Council directed that a Town-wide survey be conducted to solicit their opinions for Council consideration before reaching any decision on possible regulation.

WHEREAS, the survey results established that a substantial percentage of respondents favored prohibiting nontraditional shading devices on the beach, including over seventy percent who favored prohibiting canopies and tents, based on specific concerns with their use, including size, safety hazards and interference with access to and view of the ocean, and enjoyment of the beach by others.

WHEREAS, the Town Council, based upon consideration of the record, including complaints, public comments, survey results and the interests and issues involved, determined that the proliferation and use of canopies, tents and other non-traditional shading devices on the beach adversely affect the use and enjoyment of the beach by others and can become safety hazards.

WHEREAS, the Town Council determined that Chapter 223, Beach, of the Town Code should be amended to restrict the use of shading devices on the beach in order to promote public safety and enhance the enjoyment of the beach.

ACCORDINGLY, BE IT HEREBY ENACTED by the Town Council of Bethany Beach, a majority thereof concurring in Council duly met, that Chapter 223 of the Town Code be and hereby is amended by adding a new Article VIII, Sections 223-20, 223-21 and 223-22, as follows:

§ 223-20. Definitions.

UMBRELLA—A collapsible circular shade no greater than eight (8) feet in diameter stretched over hinged ribs radiating from a central pole no greater than seven (7) feet six (6) inches in height, and without grounding lines, ropes or sides.

So Certifies:

Date

Town Clerk

This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing ordinance was published in _____ on _____, 2018 and that a copy of the foregoing ordinance was posted at the Town Hall on _____, 2018.

So Certifies:

Date

Town Clerk