

Ordinance Governing Beach and Dune protection

Chapter 223

Article II

Unlawful Activities

223-9

1.1.1 The following activities are prohibited:

1.1.1.1 Pedestrian traffic on, over or across the primary dune on any Town beach except at those locations designated by the Town for pedestrian traffic.

1.1.1.2 The operation of any motorized vehicle or machine on, over or across the primary dune on any Town-owned or maintained beach, except as permitted by the Town upon application to the Town Manager's office and only at such locations designated by the Town for such use.

1.1.1.3 Transportation or storage of any type of boat across or on the primary dune on any Town owned beach except at locations approved or permitted by the Town.

1.1.1.4 The alteration, moving or removal of any facility, improvement or structure installed and/or maintained by the State of Delaware or the Town for enhancement, preservation or protection of any beach; such as sand fence.

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

Definitions

“Dune” means a mound, hill or ridge of sand, either bare or covered with vegetation, naturally or artificially accumulated. A dune may or may not be indicated by the installation of sand fence.

“Maintenance” means any work aimed at keeping a structure in an efficient operating and usable condition. Maintenance does not mean expansion or modification of a structure. Maintenance does not mean changing the general form or extent of the structure.

“Primary Dune” means that dune which roughly parallels the shoreline in a more or less continuous fashion and is generally the first and largest dune encountered moving landward from the shoreline.

“Public Beach” means any beach owned in fee simple title by the Federal or State government or any county, city, town or municipality.

“Regulated Area” means the specific area within the defined beach that the Delaware Department of Natural Resources is directed to regulate construction to preserve dunes and to reduce property damage. The regulated area shall be from the seaward edge of the beach as defined above to the landward edge of the third buildable lot in from the mean high water line.

“Repair” means the act of restoring a structure to good condition after it has been damaged. Repair does not mean expansion or modification of a structure.

“Sand Fence” means a barrier made of posts, wires and boards or synthetic materials including plastic, nylon and polyester intended primarily to trap and collect wind-blown sand, but which may also be used to channel human and vehicular traffic.

Chapter 1, General Provisions, Article 1, Penalties.

Any person or persons violating any provision of this article, upon conviction thereof, shall be subject to a fine of not less than \$100 nor more than \$500, C