



Town of Southern Shores
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NEW

TCA-19-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") is a predominately single-family residential community for families and retirees, as well as a vacation destination for seasonal visitors who rent single family units; and

WHEREAS, the seasonal tourist vacation season from Memorial Day to Labor Day creates a great influx of people who travel through, travel to, visit, and occupy single-family dwellings and vacation cottages within the Town, and that increase in population creates substantial burdens upon the Town's ability to manage traffic flow, parking, fire services, police services, emergency medical services and other emergency, safety and health services; and

WHEREAS, the Town recognizes that property owners enjoy the use of their property for parties and family related events on a regular basis and that such use should continue long into the future. However, the Town also recognizes that a growing trend on the Outer Banks and other coastal areas in North Carolina and nationally, is to construct large buildings on residentially zoned properties which purport to be single-family dwellings or vacation cottages, but which are often designed for and after construction and permitting advertised, maintained and used as commercial event facilities; and

WHEREAS, the Town's residential areas have limited means of access due to the layout of roads and limited number of major thoroughfares in the Town. The road layout and limited number of thoroughfares already cause numerous traffic problems, particularly during the high traffic tourist season from approximately Memorial Day to Labor Day each year. The use of single-family dwellings and vacation cottages in residentially zoned areas for pre-planned events, community uses and private parties increases traffic and safety hazards to the attendees, owners, neighbors and visitors to the Town; and

WHEREAS, residential structures in North Carolina are not subject to the same level of safety considerations, inspections or reporting requirements regarding the safety aspects of facilities to which commercial structures and properties are subject. However, during special events a residential structure will potentially have much greater occupancy than usual without the safety precautions afforded by commercial structures. Additionally, except in the case of traditional family events, the occupants for such special events are often transient with little or no knowledge of the property, such as safe means of egress

1 and hazardous materials. This lack of knowledge increases the public safety risks to the
2 occupants and those who may seek to come to their aid in an emergency; and
3

4 **WHEREAS**, knowledge of the date, time, location, number of attendees,
5 hazardous conditions, points of ingress, egress and access, and other information associated
6 with a special event will assist both the SSFVD and the police department in determining
7 how to respond effectively to an emergency during a special event. An effect response can
8 ensure sufficient assets arrive within acceptable response times and will ultimately reduce
9 the potential for injuries and casualties associated with fires or other emergencies; and
10

11 **WHEREAS**, the Town desires to make special events as safe as reasonable
12 possible for the attendees and their neighbors; and
13

14 **WHEREAS**, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the
15 Town's Code of Ordinances (the "Town Code"); and
16

17 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-174 the Town
18 may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions,
19 or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and
20 dignity of the Town, and may define and abate nuisances; and
21

22 **WHEREAS**, pursuant to N.C.G.S. § 160A-301 the Town may regulate, restrict,
23 and prohibit the parking of vehicles on the public streets, right-of-ways, alleys, and bridges
24 within its jurisdiction.
25

26 **WHEREAS**, pursuant to N.C.G.S. § 160A-300 the Town may prohibit, regulate,
27 divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks,
28 alleys, and bridges of the city.
29

30 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town may and has
31 established, organized, equipped and maintains a fire department through the Southern
32 Shores Volunteer Fire Department (the "SSVFD") and the SSVFD provides the Town's
33 fire protection and emergency medical services to the Town's citizens. The SSVFD has
34 effective, but limited resources which often require assistance from neighboring
35 governmental entities to address large fires or other emergencies that arise when there are
36 significant numbers of people present; and
37

38 **WHEREAS**, pursuant to N.C.G.S. § 160A-291 et seq. the Town has established
39 and maintains a police department tasked with enforcing the laws of the State and the
40 ordinances and regulations of the Town; and
41

42 **WHEREAS**, pursuant to North Carolina General Statutes § 160A-175 and the
43 Town's police power as provided by the common law of the State of North Carolina the
44 Town may enact and amend ordinances which provide procedures and remedies for
45 violations of its ordinances and to abate nuisances; and
46

1 WHEREAS, the Town further finds that in accordance with the findings above it
2 is in the interest of and not contrary to the public's health, safety, morals and general
3 welfare for the Town to amend the Town Code as stated below.
4

5 **ARTICLE II. Construction.**
6

7 For purposes of this ordinance amendment, underlined words (underline) shall be
8 considered as additions to existing Town Code language and strikethrough words
9 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the
10 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses
11 ("...") shall remain as they currently exist within the Town Code.
12

13 **ARTICLE III. Amendment of Town Code.**
14

15 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern
16 Shores, North Carolina, that the Town Code shall be amended as follows:
17

18 **PART I. That Chapter 22, Article III. CAMPING.** be amended as follows:
19

20 ...
21 Secs. 22-65—22-80. –Reserved.
22

23 **PART II. That Chapter 22, Article IV. SPECIAL EVENTS AND OCCUPANCY.** be
24 added to the Town Code as follows:
25

26 Sec. 22-81. Purposes.
27

28 The purpose of this Article is to ensure that special events within the Town take into
29 account and are managed such that the public health, safety or welfare of the citizens and
30 visitors to the Town who attend those events or live in the vicinity of the events are taken
31 into account. Theses safety considerations must be balanced with the traditions and
32 substantial community benefits resulting from such special events.
33

34 Sec. 22-82. Definitions.
35

36 Special event, means a temporary public or private gathering, including, but not limited to,
37 pre-planned events, community uses, and private parties held on public or private property.
38 Special event does not include traditional family events.
39

40 Pre-planned events, means private parties of greater than seventy-five (75) attendees,
41 weddings, rehearsal dinners, corporate meetings, retreats, sporting events, cultural events,
42 musical events, celebrations, festivals, fairs, carnivals, circuses or similar events.
43

44 Community uses, means meetings of charitable, political, governmental or civic groups.
45

1 Private parties, means events that are not open to the public, and are held by or on behalf
2 of an individual or organization for the primary purpose of socializing or gathering.

3
4 Traditional family events, means gatherings for traditional events such as holiday parties
5 and meals, birthday parties, funeral services, religious ceremonies and weddings for family
6 members related by blood or marriage to: (i) any of the individual holders of legal title to
7 the property; (ii) a majority of the owners of a business entity holding legal title to the
8 property; or (iii) the beneficiaries of a trust holding legal title to the property.

9
10 **Sec. 22-83. Permit Required; Exemptions.**

11
12 All special events which expect to have more than seventy-five (75) attendees require a
13 special event permit issued under this Article from the Town Planner or his designee.
14 Unless incorporated into the Town's fee schedule, there shall be no fee to obtain a special
15 event permit. The following special events are exempt from obtaining a special event
16 permit:

- 17
18 (1) Special events held at an event facility as that term is defined by the Town's
19 zoning ordinance.
20
21 (2) Special events held at other commercial facilities that are a traditional and
22 typical use of such facilities, i.e. birthday parties or meetings at restaurants;
23
24 (3) Special events held by or managed by the Town; and
25
26 (4) Special events within established institutional uses (i.e. schools and churches);
27

28 **Sec. 22-84. Application and Inspection Requirements.**

29
30 An application for a special event permit must be made by the owner of the property upon
31 which the event will be held or by someone else with the owner's written permission to
32 apply on the owner's behalf. All special events that require special event permits under this
33 article shall meet the following application requirements:

34
35 (A) Limited Special Events (75 to 125 expected attendees):

- 36 (1) Application deadline: Fourteen (14) days in advance of the event.
37 (2) The applicant shall provide the following information:
38 (a) The date, times and location of the special event;
39 (b) The expected number of attendees; and
40 (c) Contact information for a person in control of the event.
41 (d) A certification by the applicant that they are aware of and intend for
42 the special event to comply with the requirements of the Town's
43 code of ordinances with regard to zoning, nuisances, noise, lights
44 and other relevant provisions.
45 (e) Sketch site plan of property and structures showing the expected
46 location of attendees to the event, points of ingress and egress to any

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structures on the property, and location of any hazardous materials such as fuel or gas;

- (f) A certification by the applicant that sufficient parking for the events has been provided via onsite parking, via a special events encroachment agreement under Sec. 28-2(2), and/or via offsite parking.
- (g) A certification by the applicant that the contact person provided on the application will at all times have on their person: (i) the phone associated with the contact information; (ii) a copy of the special events permit issued; and (iii) a list of attendees that can be used to determine whether anyone is unaccounted for in an emergency.
- (h) If the special event will be held at a property located adjacent to N.C. Hwy. 12 (Ocean Blvd.) during the period between Memorial Day and Labor Day, the applicant must provide a traffic management plan showing how traffic to the site will be managed in such a way to avoid unreasonable additional congestion upon N.C. Hwy. 12.
- (i) For any special event at which food or drink will be served or that will occur over a more than four (4) hour period, a certification by the applicant that at least one (1) temporary wastewater facility or portable toilet will be onsite.

(B) Large Special Events (Greater than 125 expected attendees):

- (1) Application deadline: Thirty (30) days in advance of the event.
- (2) Inspections:
 - (a) Inspections under this subsection shall be provided more than ten (10) days in advance of the special event.
 - (b) If any exterior decks will be used by attendees at the event, the Applicant must either provide a certification from a licensed professional engineer that all exterior decks are structurally sound to support the potential users of the decks during the special event or must allow the Town's building inspector to inspect the decks to determine whether an engineer's certification is required.
 - (c) In the discretion of the police chief or the fire chief or their designee, the applicant shall allow for an inspection of the exterior grounds of the property to determine potential dangerous conditions on the property and to determine how best to access the property and structures in case of fire or emergency during the special event.
- (3) The applicant shall provide the following information:
 - (a) All application information required for small and limited special events.
 - (b) A detailed scale site plan of property and structures showing the expected location of attendees to the event, points of ingress and egress to any structures on the property, and location of any hazardous materials such as fuel or gas;

- 1 (c) A traffic management plan showing how traffic to the site will be
2 managed in such a way to avoid unreasonable additional congestion
3 upon any adjacent roadways.
4 (d) A certification by the applicant that sufficient parking for the events
5 has been provided via onsite parking, via a special events
6 encroachment agreement under Sec. 28-2(2), and/or via offsite
7 parking along with a narrative and site plan showing all proposed
8 parking and supporting the determination that the parking is
9 sufficient for the special event.
10 (e) For any special event at which food or drink will be served or that
11 will occur over a more than four (4) hour period, a certification by
12 the applicant that at least one (1) temporary wastewater facility or
13 portable toilet per fifty (50) attendees will be onsite.
14 (f) A certification that the designated person to contact under the
15 application will have access to first-aid supplies on-site in sufficient
16 quantities to address minor injuries to at least ten (10) percent of the
17 expected attendees.
18

19 (C) All special events:

- 20 (1) If alcohol is to be served or sold at a special event requiring a permit, the
21 applicant shall obtain any necessary approvals from the Alcoholic Beverage
22 Control Commission, must make such documentation available upon
23 request and must certify on their application that the approvals, if any were
24 required, have been obtained and will be complied with during the event.
25
26 (2) If tents are to be used for a special event requiring a permit, the applicant
27 shall obtain any necessary approvals required under the North Carolina Fire
28 Code, must make such documentation available upon request and must
29 certify on their application that the approvals have been obtained and will
30 be complied with during the event.
31

32 **Sec. 22-85. Limitations on Number of Special Events.**

33
34 No parcel of property may be used for the primary purpose of holding special events unless
35 a zoning permit for an event facility has been issued for the parcel. A parcel of property
36 having more than ten (10) special events requiring a special event permit during a
37 continuous twelve-month period shall be presumed to in use for the primary purpose of
38 holding special events. Traditional family events shall not be subject to this limitation.
39

40 **Sec. 22-86. Maximum Occupancy.**

41
42 Unless otherwise permitted under this section, no single-family dwelling or vacation
43 cottage as defined under the Section 36-57 may be: (i) occupied temporarily for a special
44 event by more than seventy-five (75) people or (ii) advertised to accommodate, designed
45 for, constructed for or actually occupied by more than fourteen (14) overnight occupants
46 when used as a vacation cottage.

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Sec. 22-87. Violations.

It shall be a violation of this article to have a special event requiring a permit without obtaining the permit, to materially misrepresent any portion of an application for a special event permit or to have a special event that materially differs from the information provided in a special events permit application. Violations of this Article may subject the property owner and persons managing an event to all of the remedies available under Sec. 1-6 with any civil penalties beginning at up to \$500.00 for the first violation and increasing at a rate of \$250.00 per violation for each additional violation in a continuous twelve-month period. Violations of this Article may also result in the revocation of a special event permit and may subject the associated property and/or applicant to be unable to obtain a special event permit for 1-year following notice of the violation.

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2019.

_____, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

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Date adopted:

Motion to adopt by Councilmember:

Motion seconded by Councilmember:

Vote: __AYES__NAYS