



ORDINANCE NO. 848-2024

AN ORDINANCE TO AMEND CHAPTER 1-16, DEFINITIONS, AND CHAPTER 65, BEACHES, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE TO DEFINE AND ESTABLISH GUIDELINES FOR THE USE OF CANOPIES AND BABY TENTS ON THE BEACH

WHEREAS, the use of closed-sided tents on the beach poses a safety hazard to the public due to both wind conditions, and an increased risk of illegal activity that may be carried out hidden from the view of Town officials; and

WHEREAS, the number of patrons placing canopies unattended on the beach prior to guarded hours has become excessive, and poses potential safety issues and an inconvenience to other beachgoers; and

WHEREAS, the Town of Dewey Beach recognizes the importance of permitting the use of both canopies and baby tents to provide sun and heat protection for beachgoers.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

Section 1. Amend Chapter 1-16 of the Municipal Code of Dewey Beach, Delaware as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

CANOPY

A portable or detachable, roof-like cover supported from the ground, deck, or floor or walls of a building for protection from sun or weather.

TENT, BABY

A portable, pop-up shelter measuring no larger than 36" x 36" x 36", which is enclosed and designed to provide a safe and comfortable outdoor space for babies and young children.

Section 2. Amend Chapter 65 of the Municipal Code of Dewey Beach, Delaware as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

§ 65-5 Items prohibited on beach.

A. Glass containers are prohibited on the beach.

B. Tents, other than baby tents, are prohibited on the beach.

§ 65-9 Regulation of ocean beach activities and equipment.

H. Use of canopies on the beach is permitted, provided no canopy is placed unattended on the beach prior to 9:00am.

§ 65-31 Van Dyke Avenue bayside public beach and gazebo.

U. Tents, other than baby tents, are prohibited on the beach. Use of canopies on the beach is permitted, provided no canopy is placed unattended on the beach prior to 9:00am.

Section 3. Severability. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect immediately upon its approval by the Town Council. Adopted by at least a majority vote of all Commissioners of the Town of Dewey Beach on December 20, 2024.

SYNOPSIS

This Act prohibits the use of tents, as defined in Chapter 1-16, on the ocean and bay beaches, defines "baby tent," and provides further clarification on "canopies," permitting the use of both of these items on the Town's beaches. This Act also prohibits the unattended placement of a canopy prior to Beach Patrol hours beginning at 9:00am.



William Stevens, Mayor



Bill Zolper, Town Manager