

ARTICLE IV. SAND DUNE PROTECTION

§ 10-44 FINDINGS OF FACT AND PURPOSE.

(A) The sand dunes within the town are a topographical feature unique to coastal areas, and are a tourist attraction as well as a protective barrier against the dangers of wind, flood and erosion. The sand dunes make a vital contribution to the nature and character of the town as a coastal resort community. The town believes the sand dunes should be preserved, and development on the sand dunes within the town controlled in a manner compatible with their preservation.

(B) This article is adopted to preserve and promote the protection of the town by maintaining the existence of natural and constructed dunes that help protect it from the danger of flooding and erosion, and land against the actions of sand, wind and water. The practice of destroying sand dunes and removing vegetation therefrom within the town constitutes a serious threat to the safety of adjacent properties. This article is therefore adopted for the health, safety and welfare of persons living, visiting or sojourning to and in the town, and for the protection of public and private property.

(C) As used in this Article, the phrase “sand dune” shall mean any and all manmade or natural mound of sand, regardless of size. This includes, but is not limited to, natural dunes, man-made or constructed dunes, berms, sand formations created by a beach/dune push or scrape, individual sandbags, sandbag walls, and sandbag revetments.

(D) The term *FRONTAL DUNE* used in this article shall refer to the first manmade or natural mound of sand landward of the highwater mark of the Atlantic Ocean, regardless of height or width, considered to be the first line of defense against impending tides and/or storm surge.

§ 10-45 CONFLICTS WITH STATE RULES.

If any provision of this article is in conflict with a rule or regulation adopted by the State Coastal Resources Commission dealing with oceanfront erosion control, then **the most stringent** rule or regulation shall control and apply.

§ 10-49 DAMAGING SAND DUNES.

(A) It shall be unlawful for any person to walk over, cross over, stand, sit, walk, run, or otherwise loiter upon any sand dune except to cross at an authorized, marked crossover or designated beach access.

(1) It shall be unlawful for any person to place any items, belongings, or beach equipment upon any dune at any time.