

ORDINANCE NO. 26-2015

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
FOR THE CITY OF TYBEE ISLAND, GEORGIA,  
RELATING TO SECTION 12-1, USE OF MUNICIPAL BEACHES AND  
FACILITIES, TO ESTABLISH A RULE PROHIBITING THE OVERNIGHT  
STORAGE OR PLACEMENT OR EXISTENCE OF BEACH EQUIPMENT  
AND PROPERTY AND DEEMING SUCH PROPERTY ABANDONED  
AND AUTHORIZING ITS REMOVAL AND DISPOSAL BY EMPLOYEES  
AND REPRESENTATIVES OF THE CITY AND AUTHORIZING THE CITY STAFF TO  
MONITOR AND ENFORCE SUCH ORDINANCE,  
TO REPEAL ALL CONFLICTING ORDINANCES, TO PROVIDE FOR AN EFFECTIVE  
DATE AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, including the environment thereof; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof, and

WHEREAS, the governing authority desires to amend Section 12-1(a) so as to establish a rule prohibiting the overnight storage or placement or existence of beach equipment and property and deeming such property abandoned and authorizing its removal and disposal by employees and representatives of the City and authorizing the City staff to monitor and enforce such ordinance, to repeal all conflicting ordinances, to provide for an effective date and for other purposes.

NOW, THEREFORE, be it ordained by the governing authority of the City of Tybee Island that the Code of Ordinances, Section 12-1(a), be revised to add a new subsection designated as (19) so that hereafter said subsection shall read as hereinafter provided.

**SECTION 1**

The Code of Ordinances is hereby amended so as to revise Section 12-1(a)(19) shall read as follows:

**Sec. 12-1. – Use of municipal beaches and facilities.**

(a) *Rules and Regulations.*

...

(19) *Obstructions and equipment on the beach prohibited.* It shall be unlawful for any person to leave an item of personal property unattended on any portion of the sand beach from 9:00 p.m. until 7:00 a.m. except as otherwise permitted by law or by permit granted by the city manager on application. City personnel are authorized to remove any unattended personal property, including any type of personal property including, as way of example and not limitation, tents (including frames), canopies, cabanas, umbrellas and other shading devices, picnic tables, volleyball nets, beach chairs, coolers, kayaks, canoes, catamarans, floats, sail boards, surf boards, kits, jet skis, sail boats and other water craft.

(b) *Exception to rules.* Exceptions to any of the above rules and regulations may be allowed by way of a special permit grant by the mayor and council. In the case of the overnight storage of unattended personal property, a permit to do so may be granted when special circumstances exist as determined by the city manager who shall be authorized to issue such permits.

## **SECTION 2**

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

## **SECTION 3**

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

## **SECTION 4**

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 5**

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to the ordinances of the City.

ADOPTED THIS 10 DAY OF September, 2015.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

FIRST READING: 8/20/15

SECOND READING: 9/10/15

ENACTED: 9/10/15

Tybee/Ordinances/26-2015 Sec 12-1(a)(19) property on beach – 08.17.15 - EMH