

First Reading 7-16-2012
Second Reading Emergency

ORDINANCE 2012- 23

AN ORDINANCE TO AMEND CHAPTER 106,
ENTITLED, WATERWAYS, OF THE CODE OF
THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 106, ENTITLED WATERWAYS, OF THE CODE OF THE TOWN OF OCEAN CITY BE AND THE SAME IS HEREBY AMENDED BY REPEALING AND REENACTING DEFINITIONS OF BEACH ACCESSORY, PATROLMAN, SKIM BOARD, SURF BOARD AND WATERCRAFT AND REPEALING THE DEFINITIONS BOOGIE BOARD AND SURFMAT AND BY ADDING DEFINITIONS OF INFLATABLE FLOTATION DEVICE AND SOFT TOP BODY BOARD IN SECTION 106-92, BY REPEALING AND REENACTING WITH AMENDMENT SECTION 106-93, BY REPEALING AND REENACTING WITH AMENDMENT SUBSECTIONS 106-94(3) AND 106-94(9) AND TO ADD SUBSECTION 106-94(11), AS FOLLOWS:

Sec. 106-92. Definitions.

...

Beach accessory. Beach umbrellas, chairs, tents, pop-ups, cabanas, lounges or similar beach equipment, but not including blankets, towels, etc.

Boogie board - repealed

Inflatable flotation device. Any object that is fully inflatable and depends for its buoyancy on said inflation and is not of a rigid or semirigid construction and does not use rigid or semirigid objects as "paddles."

Patrolman. Any person employed by Ocean City as a member of the Ocean City Beach Patrol and known as Surf Rescue Technicians or Surf Beach Facilitators.

Skimboard. A plastic, wooden, fiberglass, foam or epoxy board or other object used to glide, slide, or skim across the water with a person standing or riding thereon.

Soft top body board. A flexible, semi-soft, buoyant, semi-curved object, no longer than 54 inches and no wider than two feet and no thicker than four inches, made of a closed-cell polyethylene foam or similar material and possibly but not always having a smooth plastic layer attached to the bottom and without rigid or semi-rigid attachments or protrusions for aid in steering or movements which serve as a rudder and commonly referred to as "skegs."

LAW OFFICES

AYRES, JENKINS,
GORDY & ALMAND, P.A.

SUITE 200
6200 COASTAL HIGHWAY
OCEAN CITY, MD 21842

Surfmats. - repealed.

Surfboard. Any object of rigid or semirigid construction, constructed or partially constructed of wood, plastic, fiberglass, epoxy, styrofoam or similar foam substances, or any other similar substances, or combination thereof, with rigid or semi-rigid attachments or protrusions for aid in steering or movements which serve as a rudder and commonly referred to as "skegs" and used for riding waves and no less than 60" in length, but not including inflatable flotation devices and soft top body boards.

Watercraft. Any water vessel, whether powered or propelled by human power, sail power or motorized engine power, including but not limited to boats, kayaks, canoes, surf skis, stand up paddleboards, and personal water craft, excepting inflatable flotation devices, soft top body boards, surfboards, devices or Ocean City Beach Patrol surf rescue units.

Sec. 106-93. Authority of Beach Patrol to regulate water and beach activities.

The members of the Ocean City Beach Patrol shall regulate the use and location of the objects and accessories as hereinafter in this section provided:

(1) The members of the Beach Patrol shall each day establish a line on their respective beach areas, which said line shall run parallel with the waters of the Atlantic Ocean and shall be established at that point equal with the westerly portion of the Beach Patrol stands. No beach umbrellas or ball paying shall be permitted eastward of said line, and any other beach accessories located east of said line shall be removed at the direction of the respective patrolman if, in said patrolman's opinion, the location of said other beach accessory is such as to interfere with the duties of said Beach Patrolman.

(2) Inflatable flotation devices and soft top body boards are permitted at the discretion of the captain of the Beach Patrol, and their use may be curtailed as to time or location or their use may be terminated, at the discretion of said captain or respective patrolman, at any time if, in the opinion of the respective patrolman, their use or the location where they are being used is hazardous to the safety and welfare of those persons using said inflatable flotation devices or soft top body boards or is hazardous to the safety and welfare of other bathers.

(3) Soft top body boards over 42" will be permitted provided rider uses some means, such as an ankle leash, to attach some part of their body to said soft top body board and remains separated from other bathers by 10 yards.

(4) The members of the Ocean City Beach Patrol shall regulate all beach activities for the safety and welfare of those persons or the safety and welfare of others. If in the opinion of the respective patrolman it is unsafe to remain in the water or on the beach because of inclement weather, persons may be ordered to leave the water and/or the beach. If in the opinion of the respective patrolman a person is participating in an unsafe act such as hole digging of a size which could engulf and bury a person that person(s) may be removed from the beach upon his or her failure to cease the activity after being instructed to cease.

Sec. 106-94. Prohibited acts.

The following activities are hereby expressly prohibited and declared unlawful:

...

(3) For any person to ride a surfboard on any waters adjoining or adjacent to the boardwalk, during the period from May 1 to September 30, or on any waters adjoining or adjacent to any beach in Ocean City during the period from Friday of Memorial Day weekend to September 30, between the hours of 10:00 a.m. and 5:30 p.m., in each year, except as follows:

a. It shall be lawful to utilize and ride a surfboard on those areas of the beach designated by the Mayor and City Council as "surfing areas" and posted as such by conspicuous signs, provided that any person utilizing or riding a surfboard in the surf in such areas shall use some means, such as an ankle leash, to attach some part of his body to said surfboard.

b. It shall be lawful to utilize and ride a surfboard during periods of inclement weather upon the express direction of the captain of the Beach Patrol provided they remain 50 yards from all non surfers and use some means, such as an ankle leash, to attach some part of their body to said surfboard.

...

(9) For any person to ride a wind surfboard or operate any watercraft from or adjoining or land upon any beach in the corporate limits of Ocean City, from Friday of Memorial Day weekend to September 30 between the hours of 10:00 a.m. and 5:30 p.m., except as follows:

a. Emergency beaching of distressed watercraft.

b. Ocean City Beach Patrol members operating surf rescue units.

c. Participation in an organized tournament or event either sanctioned by or upon receipt of a "special events permit" from the Mayor and City Council

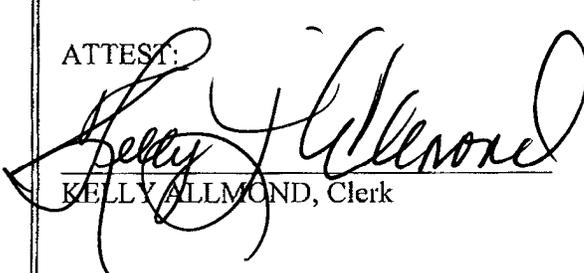
...

(11) For any person to remain in the water or the beach after being told to leave pursuant to subsection 106-93(4) hereof.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on July 16, 2012.

ADOPTED AND PASSED, as an emergency, by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on July 16, 2012.

ATTEST:

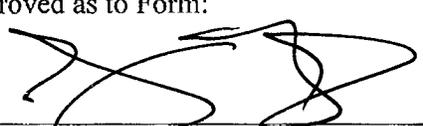


KELLY ALLMOND, Clerk



RICHARD W. MEEHAN, Mayor

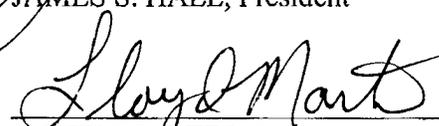
Approved as to Form:



GUY R. AYRES III, City Solicitor



JAMES S. HALL, President



LLOYD MARTIN, Secretary