

Town of Charlestown, RI  
Monday, March 30, 2015

## Chapter 158. Parks, Beaches and Recreation Areas

### Article III. Charlestown Town Beach and Sam Ferretti - Blue Shutters Beach

#### § 158-29. Policy, procedures, parking at Town beaches.

[Amended 3-8-2004 by Ord. No. 257]

It is the policy of the Town of Charlestown to operate and maintain as a municipal facility the Charlestown Town Beach and the Blue Shutters Beach (the "Town Beaches") during the Summer Season, which is herein defined as that period of time existing from Memorial Day to Labor Day of each calendar year. Use of the municipal parking lots at the Town Beaches shall be governed in accordance with the regulations contained herein. Any violation of the rules and/or regulations as set forth herein may result in loss of beach pass and/or cottage pass privileges without a refund.

A. Beach passes.

- (1) All vehicles entering a Town-controlled parking facility, using a beach pass, must display the Town-issued beach pass. A beach pass is a sticker that is permanently affixed to the motor vehicle to be parked at the parking facility located at the Town Beaches. Beach passes may be obtained in person at the Town Clerk's Office at the Town Hall or through the mail. All mail-in requests for a beach pass must include a copy of the applicant's vehicle registration, operator's license, the appropriate fee and a self-addressed, stamped envelope. The Town Clerk will process all requests received in the mail and return them to the applicant in a reasonable time. All mail in requests must be addressed to the Town Clerk's Office.
- (2) For the purposes of determining eligibility to obtain a beach pass, the following definitions shall apply:
  - (a) Resident. A resident shall mean a person who claims Charlestown as their permanent residence. Businesses, business entities and/or fictional names are not considered a person for purposes of determining residency under this ordinance. Proofs of Charlestown residency may include, but are not limited to:
    - [1] A current R.I. or federal income tax return.
    - [2] Current voter registration status.
    - [3] At least six months billing receipts for utility service in the applicant's name.
    - [4] Rent receipts in the applicant's name for a period of more than 120 days prior to the date of application.
    - [5] A rental/lease agreement for a period of more than 120 days in duration, duly executed.

- [6] A current RI motor vehicle registration with a Charlestown address.  
[Added 5-14-2012 by Ord. No. 348]
- [7] A current out-of-state motor vehicle registration listed to a Charlestown homeowner that also registers their car to the same out-of-state address.  
[Added 5-14-2012 by Ord. No. 348]
- (b) Nonresident taxpayer. A nonresident taxpayer shall mean a person(s) that owns a summer home in Charlestown that is on the current Town tax roll, but may have a primary residence in another state.
- (c) Dependent child/children. Dependent children shall mean children who reside in the home of the applicant and are claimed as a dependent(s) on the applicant's current federal income tax return.
- (3) A beach pass will be issued only to persons meeting one or more of the following qualifications:
- (a) Any person residing in the Town of Charlestown whose name appears on the current Town tax roll.
- (b) Nonresident taxpayers who own residential real property listed on the current Town tax roll.
- (c) Any person residing in the Town of Charlestown who can show current rent receipts for a period not less than 120 days.
- (d) Dependent children who reside in residential real estate whose parent(s)' name(s) appear on the current Town real estate tax roll or appear on a lease that has an effective period of not less than 120 days.
- (e) The name(s) on the latest deed recorded in the Land Evidence Records will control the beach permit issuance. There are no exceptions.
- (f) A valid registration for each motor vehicle for which a beach pass is sought.
- (g) Resident/nonresident taxpayers with company issued and/or leased vehicles must show the lease contract, car registration and their driver's license.
- (4) A household may purchase three beach passes for family members who are residents of the applicant's household who possess a corresponding motor vehicle registration address. The address on each motor vehicle registration presented to purchase a beach pass sticker for a particular household must coincide with the addresses listed on the current tax roll. Beach passes will not be sold to owners of vacant land within the Town of Charlestown. Persons failing to meet the qualifications for issuance of a beach pass shall be eligible to purchase a nonresident beach pass for Blue Shutters Beach only.  
[Amended 5-14-2012 by Ord. No. 348]
- (5) A beach pass will be issued only to motor vehicles registered to persons meeting the criteria set forth herein. A beach pass must be permanently affixed to the motor vehicle for which it was issued. Beach passes are not transferable. Each beach pass will be marked to indicate the registration number of the motor vehicle to which it was issued. Any beach pass whose registration number does not match the vehicle registration upon which it is displayed shall not be allowed into the Town Beaches parking facility, and the pass shall be forfeited.
- (6) Replacement beach passes may be issued if it is proven to the satisfaction of the Town Clerk that the original beach pass or the vehicle on which the beach pass was affixed has been sold,

transferred, damaged beyond repair or destroyed. In such circumstances, the original beach pass must be removed from the motor vehicle to which it was affixed and presented to the Town Clerk before a replacement beach pass will be issued. In this specific instance, there shall be no fee for the issuance of the replacement beach pass. Other than the specific situation stated herein, all other replacement beach passes must be purchased at the full price set by the Town Council for the relevant Summer Season. The Town bears no liability for beach passes lost, stolen or destroyed once issued.

- (7) If a residence is in the process of being constructed, a certificate of occupancy must be issued by the Building Official's office to qualify for the issuance of a beach pass under this ordinance.

B. Cottage passes.

- (1) For the purposes of determining eligibility to obtain a cottage pass, the following definitions shall apply:
  - (a) Cottage. A cottage is defined as an occupiable dwelling, with established electrical service that is located in the Town of Charlestown. The cottage must be used by the owner or rented/leased during the Summer Season and not exist merely as a vacant structure. Businesses, motels, hotels, bed and breakfasts and other similar facilities are not considered a cottage.
- (2) A cottage pass may be used to access Town Beach parking facilities. Only one cottage pass may be obtained for each rental cottage unit and may be used to admit only one vehicle per day. The cottage pass must be presented when entering the Town Beach parking facilities and must be claimed no later than 1/2 hour (one-half hour) prior to the beach facility closing. The Town will not be responsible for cottage passes that are not claimed daily. Cottage passes will be accepted at Town Beaches parking facilities. Passes are assigned to a cottage unit and may be used by succeeding tenants. There will be no rebates for any cottage pass once issued. If a cottage pass is lost, a replacement may be obtained under the conditions set forth herein for the issuance of the original cottage pass and must be paid for at full price set by the Town Council for the relevant Summer Season. If a cottage is being built, a certificate of occupancy from the Building Official's office is required before a cottage pass can be issued.
- (3) If a homeowner would like the cottage pass released to a second party, the Town Clerk's office must have a notarized statement so stating.
- (4) Whenever a cottage pass is issued, the landlord/rental agent to whom the cottage pass is issued is responsible for informing any and all cottage tenants and cottage pass users of the cottage pass terms and conditions for usage. It is the responsibility of the cottage tenant to reclaim the pass each time the cottage tenant leaves the Town Beaches facilities.
- (5) There is no fee, beach pass or cottage pass required for walk-ons to the Town Beaches without a motor vehicle.

C. Fees to be set forth annually, prior to the summer season, by the Town Council upon recommendation of the Parks and Recreation Commission.

D. Parking. All vehicles must be parked in the parking lot while attending the beach facility. The Sam Ferretti-Blue Shutters Beach and the Charlestown Town Beach will be closed at 5:00 p.m. Any vehicles remaining in the Charlestown Town Beach and Sam Ferretti - Blue Shutters parking lots after 9:00 p.m. will be subject to ticketing and/or towing at the owner's expense. Recreational vehicles, including but not limited to motor homes, campers or trailers of any kind will not be permitted in the beach parking lots with the exception of the parking lot adjacent to the

Charlestown Town Beach where there is a designated area to be used exclusively for the parking of boat craft trailers for daily boating activities.

- E. Smoking Prohibited. Smoking is prohibited at Charlestown Town Beach, 557 Charlestown Beach Road; Sam Ferretti Blue Shutters Beach, 469 East Beach Road; Little Nini Beach, 150 Park Lane, Ninigret Park; and all Town playground and recreational facilities, except in areas that may be established and designated by the Town Administrator, provided that, at the beach facilities, playground, recreation and park facilities, the designated smoking areas shall only be located within or immediately adjacent to a vehicle parking area.  
[Added 6-10-2013 by Ord. No. 357]