

Turks and Caicos Island Beach Vending Policy (Draft)





1. BACKGROUND

The beaches of the Turks and Caicos Islands provide great economic and social gain to the islands. This is depicted through the numerous awards in the tourism industry and the number of local residents and tourists that flock to the beaches on a daily basis. Within the islands the beaches are public places that are open to use by all. It is for this reason that the establishment of beach vending guidelines in the form of a policy across the islands is of paramount importance to the Government.

According to a report by the DECR, Department of Planning and the Revenue Department there are approximately 52 potential beach vending sites across the Turks and Caicos Islands (Table 1).

Table 1: Number of beach vending sites on each island in the Turks and Caicos Islands.

Island	Number of Potential Beach Vending sites
Grand Turk	25
Salt Cay	9
South Caicos	1
Middle Caicos	1
North Caicos	3
Providenciales	13

Over the last few years, as tourism continues to grow, the DECR has observed a notable increase in the beach vending activities in the Turks and Caicos Islands. This increase has resulted in tension between beach front proprietors, tourists and beach vendors. The Ministry of Tourism & Environment and the DECR have received numerous complaints about the aggressive behaviour of vendors and conflicts between vendors and beach front proprietors. Beach vendors are also experiencing congestion with other vendors infringing on their vending area. These issues interfere with the quality of service provided to tourist and can influence tourists' views and return rates. The beach is public, therefore, any member of the public can use the beach. However, all vendors and visitors must adhere to all beach rules and regulations prescribed by the DECR or any competent authorities.

Beach Vending unit specifications refer to guidelines to encourage safety, uniformity and limit the negative impacts on the environment and quality of life. All specifications must be approved by the Ministry of Finance, Trade and Investment, Department of Environmental and Coastal Resources (DECR), the Department of Planning, the Ministry of Tourism, the Fire Department and Environmental Health Department. The Beach Vending Policy Should Involve:



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Carnival Cruise Centre	Ministry of Health, Agriculture, Human Services and Sports
Fire department	Ministry of border Control and Labour
Department of Immigration	Ministry of Infrastructure, Housing and Planning
Department of Planning	Ministry of Finance, Trade and Investment
Royal Turks and Caicos Police Force	Invest TCI

2. PURPOSE OF BEACH VENDING POLICY

The primary purpose of the Beach Vending Policy is to promote commercial opportunities for Turks Islanders whilst supporting a high standard of service delivery to the local community and visitors and encouraging public safety; and to ensure that quality service is provided by local beach vendors to the mutual benefit of both customer and vendor, in a manner that does not interrupt, degrade or deplete the natural resources and dynamics of the beach environment.

The creation and approval of this policy will allow the creation of a record of who is vending on the beaches, it will regulate the location and hours of operation of beach vendors, regulate the number of beach vendors at any one site and define requirement for vending permits.

3. GOVERNING STATUTES/ LAWS

There is no one specific law that speaks to beach vending and regulating beaching vending in the Turks and Caicos Islands.

However, in the Turks and Caicos Islands several pieces of legislation highlight the importance of preservation, conservation and restoration of our Natural Resources of current and future generations and are the basis for the development of his policy.

The protection, conservation and protection of our National Resources are enshrined in TCI constitution (2011) Although not specific to Beach Access and the enjoyment of such, the Constitution itself ensures that we must do all that is necessary so that present and future generations are able to enjoy these resources. This is one fundamental principle of this policy

1. **TCI Constitution (2011)**, Section 18 provides for the protection of the environment for the present and for the future generations, while promoting justifiable economic and social development.
2. **The National Parks Ordinance** – Section 4 (5) regulates development within Protected Areas with respect to the Physical Planning Ordinance; wherein those regulations apply to build development



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on beach access lane that lie within Protected Areas. A number of the beach accesses are located adjacent to a National Park. Any development in or directly adjacent are required to follow strict development guidelines. Therefore, development on the beach access within the vicinity of a National Park would fall in this area.

3. Crown Land Ordinance
4. Coastal Protection Ordinance
5. Revenue Legislation
6. Physical Planning Ordinance
7. Sale of Goods Ordinance – to codify the law relating to the sale of goods.
8. Consumer Protection Ordinance – to make provision for the protection of consumer interests in relation to the supply of goods and services.
9. Business licensing ordinance – to provide for the licensing of all businesses in the Turks and Caicos Islands; to establish a procedure to facilitate through the issue of business licenses the orderly development of business investment in the islands and for connected purposes.

4. OBJECTIVE OF THE POLICY

It is the objective of the Turks and Caicos Islands Government through this Policy to establish a programme that provides for development, re-development, management and maintenance of beach vending activity and sites all across the Turks and Caicos Islands.

Another objective of the Policy is to ensure that appropriate public amenities are available while at the same time enhancing the local economy through beach vending activities, to support appropriate commercial enterprise for Turks & Caicos Islanders that do not diminish or extinguish beach vending sites and beach accesses or degrade the environmental quality of the surrounding area.

The implementation of this Policy will ensure that Islanders, Residents and visitors receive quality service, provided by local beach vendors to the mutual benefit of both customer



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and vendor, in a manner that does not interrupt, degrade or deplete the natural resources and dynamics of the beach environment.

5. RESPONSIBLE BODY

The majority of potential beach vending sites across the islands are located on Crown land. For the purpose of the policy, the Department of Environment and Coastal resources will monitor beach vendors as they historically did, along with assistance from the Royal Turks and Caicos Islands Police Force. The vending sites will be managed by the DECR, Planning department and Revenue department for the issuance of business licenses.

The technical expertise of other Government departments/agencies will be employed for specific components of the management and administration of beach vending sites that aligns with that department mandate. For example, the Public Works Department, which has responsibility for the upkeep roadways, are integral to the maintenance of the beach access lanes and the repair of public facilities at the accesses. Non-Governmental Organizations (NGOs), the private sector and local communities, as stakeholders, shall be provided with the opportunity to be involved in the implementation of the policy.

6. DEFINITIONS:

“Beach” means the territory between the ordinary high and low water mark. This term also refers to the associated sand dunes.

“Beach activity” is defined for this policy, as activities that are permitted in this policy, which are defined below:

The following will be considered beach activities.

- **The renting of:**
 1. Chairs
 2. Umbrellas
 3. Floats/Mats, snorkels etc.
 4. Motorized or non-motorized vehicles or crafts
- **Other beach activities include the sale of:**
 7. Beverages
 8. Food
 9. Braiding services
 10. Massage services
 11. Miscellaneous items (items as specified by the Turks and Caicos Islands Government)



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“Beach Vending” means the activity of selling goods. For the purpose of this policy refers to the business of selling or causing to be sold or transferred, for cash, goods and services on a beach or beach access. Beach Vending includes: Food (snacks) and drinks, hair braiding, selling souvenirs, mobile vending structures, beach rentals (chairs, umbrellas, floating devices), motorized and nonmotorized water sport vehicles or crafts such as water scooters, water bikes, diving, party boats, (horseback riding on the beach); and another other beach or water sport activity specified by the Turks and Caicos Island Government (TCIG).

“Canopy” means tent, sunshade or any other device of any sort, kind or description intended to shade people beneath it and from the direct rays of the sun, above 8ft and maximum 13ft diameter.

“License” means a license issued under these regulations and grammatical variations and cognate expressions shall be construed accordingly (Fisheries Protection Ordinance).

“Mobile vending structures” for this policy encompasses any specified motorized or non- motorized vehicle, trailer, kiosk on wheels or pushcart. Alternatively, any specific portable or non-permanent device from which goods, services, merchandise and food can be peddled, vended, served displayed, distributed (promotions) and/or sold to the public. Mobile Vending structures must have the ability to be removed from the premises. Units and structures cannot be permanently secured, centered or anchored.

“National Park” are areas of natural scenic beauty or scientific/conservation interest, designated by the Department of Environment and Coastal Resources; as described in the National Ordinance section 3.

“Resident” means a person who is an Islander: or possesses a valid permanent resident certificate or a valid work permit issued in accordance with the Turks and Caicos Islands Immigration Ordinance and the Fisheries Protection Ordinance.

“Sand dune” - The dry sand is blown landwards and deposited above high water mark, where it is trapped by dune-building grasses, which grow up through successive layers of deposited sand.

“Shoreline” means the line where a body of water meets land.

“Stalls / Booths” means small, temporary and partially sheltered stall for the sale or exhibition of goods

“Umbrella” means collapsible monopole beach umbrellas which have a maximum diameter of the umbrella not exceeding eight (8) feet and tents and other devices approved by the Department of Environment and Coastal Resources for use by holders of any permits issued

“Vehicles” means a self-propelled machine, usually with wheels and an engine, used for transporting people or goods on land.

“Vending equipment” for the purpose of this policy includes but is not limited to any materials, merchandise, tools, carts, tables or other items owned by, in the possession of or associated with a permitted vendor.

“Vendor” means an individual who transfers goods for sale.



“**Water sport activity**” for the purpose of this policy is defined as activities that are permitted in this policy to be performed in the water. The following activities are considered water sport activities and no other activity is allowed other than those stipulated below, unless amended by TCI Government. Jet skis and jet propulsion sports are not permitted in the National Parks. Water sport activities are divided into two main categories: table 1 shows Category A (motorized water sport activities) and Category B (non-motorized water sport activities). Motorized water sports include all water sport activities that require an engine in order to do the sport. Non-motorized water sport activities are those that do not require an engine in order to participate in the activity. All future water sport activities may be categorized in this manner.

Table 1: Overview of water sport activities

Category A – Motorized Sports	Category B – Non-motorized Sports
Parasailing	Kayaks
Jet ski	Snorkeling and scuba diving
Jet boats	Trampolines and floating water parks
Water skiing	Water Cycles
Tubes or banana boats (pulled by a motorized vehicle e.g. small boat)	Wind surfing/kiteboarding
Fishing	Sail boats
SCUBA Diving	Canoes
Jet propulsion shoes (fly board, jet surfboards)	Horseback riding
Other	Other

“**zone**” means the total area of the premises in which the vending is carried out.

7. GUIDING PRINCIPLES

To achieve the objectives of the beach vending policy, the Government recognizes the following as principles for proper management of beach vending activities.

1. Beach Vending Permits

A beach vending permit issued by the DECR is required with a business license from relevant ministry. A beach vending permit allows an individual to set up vending equipment on the beach to conduct beach vending or sell of legal goods. No use or sale of illegal drugs on the beach will be tolerated. Only



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one application per person will be accepted and processed and each permit must be renewed annually. The main source of income of the person seeking the beach vending license must be gained by the revenues received from the vending activity. Therefore, prospective applicants and permit holders will eventually have to be fully engaged in the vending activity. In addition, the permit holder has to prove that he is actively engaged in the vending activity by providing financial records to Revenue Control Unit and passing all inspections. Vending licenses cannot be transferred. Prior to granting the vending license:

- a. The Department of Planning and the Department of Environment and Coastal resources will survey the location and present a report to Revenue Department.
- b. All beach vendors are subject to inspections by the fire department, environmental health and planning and gain their approval before a license is issued and when it is annually renewed.
- c. All vending equipment must be clean, sun resistant and well maintained. All vending equipment must fit within their allocated zones and must not block any entrances or beach access roads.
- d. Watersport activity vendors must have life guard training, a working cell phone to call 911 in emergencies, liability insurance and be able to demonstrate that there is adequate safety equipment on each vessel. These vendors must also have proof of training on the use of the powered craft; have a printed, multi-language safe operation card which he/she must go over with the renter before allowing the vessel to be rented;
- e. Maintain maintenance logs according to manufacturer's specifications of all maintenance carried out on each motorized vessel;
- f. Adequate equipment to protect the environment in the event of a fuel/oil spill in the beach or in the water.

All water sport activities must follow the Coast Protection Ordinance, the National Parks ordinance and Fisheries Protection Ordinance.

a. Beach Vendors Staff

An application should also be submitted for the staff and will follow the same procedure as the vendor application. A vendor can have a maximum of 2 helpers. Helpers are not required to be of Turks and Caicos Island nationality, but must be a legal resident, registered at the Immigration Office and have a valid work permit. The applicant must be eighteen years of age or older or considered an adult in accordance with the Civil Code of the Turks and Caicos Labor unit and must comply with the general requirements.

a. Special events –

Special events include Carnival, Christmas, Festivals, New Year's Celebrations, beach parties, sporting events, fishing events and any other events specified by TCIG. Vendors will be required to apply for a permit in advance of the event as specified by the Department of Planning and DECR. In such instances the public street, space, sidewalk, curb or alleyway may be temporarily partitioned and blocked to



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vehicular traffic. All major events on the beach must have a license from the DECR, Department of Planning and Crown Land Unit. All events must have a cleanup crew and the refuse cleared within 8 hours after the event ends. Failure to comply will result in a fine.

The organization of the special event is further subjected to the requirements stipulated in the National Parks Ordinance, if the event occurs within a national park.

2. Enforcement, violation, penalties, remedies

The Turks and Caicos Islands Government through its designated authorized personnel are empowered to investigate and conduct inspections to determine whether beach vending permit holders and other persons are complying with this and relevant policies and or regulations and legislations. After 30 days of notice and opportunity to correct, the Government of the Turks and Caicos Islands may impound the vending equipment, suspend the license or revoke the license.

Beach vendors not adhering to the terms of their license, regulations and relevant ordinances and/or policies will have their license revoked for 6 months, thereafter 1 year and ultimately permanently and will receive a maximum fine of \$1000 or have to sit two (2) months in jail, after having received one (1) verbal warning and one (1) written notices. Violation of this policy and/or relevant policies are hereby declared as a public nuisance. Permanently revoked beach vending permits will not be reserved for the original user and is eligible for re-issue to the public.

Overview of penalty structure:

- 1st step – 1 verbal warning (documented)
- 2nd step – 1 written warning
- 3rd step – Fine (maximum \$1000) written as a ticket by enforcement officers
- 4th step - suspension of operation (license) for 6 months
- 5th step - suspension of operation (license) for 1 year
- 6th step - permanently revoke the license

3. Penalties

Beach Vending licenses may also be revoked if:

- The beach vending permit has been deemed inactive for a period of one year.
- The vendor does not comply with the rules and regulations stipulated in the Beach Vending Policy and/or relevant policies.
- The beach vending permit holder is in violation of the Business Licensing Regulations and/or other relevant ordinances.
- The vendor conducts any activity that is not indicated in his or her license.



- The vendor and/or helper(s) has/have **continuously** or **consistently** carried out acts that have proven degradative to the natural beach environment in some form or fashion and that are against restrictions and regulations of the Coastal Protection or National Parks Ordinance.

4. Beach Vending Location -

Proper zoning of beach vending areas are to be designated by the DECR and the Department of Planning, as per appendix 1, DECR has zoned areas for vending by colour coding zones. Each commercial zone has been identified and colour coded as such. The dimensions will be specified in the Beach Vending permit, with specifications:

- Vending (immobile or mobile vending structures) activities cannot obstruct pedestrians; this includes among others, individuals with strollers and or wheelchairs.
- Vending must be at least 15 ft from shoreline to allow persons to pass freely.
- Vending activities must be at least 3m apart.
- A variation of vending must exist within an area e.g. a food stall cannot be adjacent to another food stall.
- Must have proper enforcement. Enforced by a joint team of the DECR, Department of Planning and the Royal TCI Police Force.
- Vendors must be actively stationed at their Vending site for at least 5 consecutive hours. Once a vendor is designated a zone, they cannot move, unless they reapply for another zone.

In the event that new beach vending locations/zones are established or become available, existing permit holders will be given first preference to relocate. Awarding of the new spots will be done via a first come first serve basis, based on the date of the submitted application and if the applicant meets all the required guidelines. It is the responsibility of new applicants and existing permit holders to apply for new or alternative locations when they become available. It is the applicant's responsibility to ensure that their contact information is current, accurate and complete.

5. Appearance and Maintenance -

- All vendors are responsible for proper waste management within their zone. Maintenance and disposal of combustible materials and substances such as barbecues must be safely enclosed so to prevent access by public; charcoal/ wood/ ash must be contained and completely extinguished and removed from site at close of business. Gas cylinders must be in good condition and not leaking or corroding; and must be enclosed to prevent access by public.
- The vendor may not plant or remove any flora and may not use existing flora (trees, bushes) for display or hanging merchandise or for use to prop or secure any structure.
- Vendors cannot engage in loud (above 80dB from 30ft) or offensive music; under the condition that the hours are managed, background music is allowed.



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- No structures should be permanently left on the beach e.g. storage areas, merchandise and advertising paraphernalia.
- Graphics should convey the theme of the business. Graphics cannot be obscene in nature, religious, or political and must comply with the signage regulation.
- A beach access must be provided for offloading and loading of equipment.

Canopies, umbrellas and beach chairs

- Umbrellas must be securely mounted. All supports must be mounted on the pushcart and cannot extend beyond the outside dimensions of the pushcart body. The lowest edge of any canopy or umbrella shall not be less than 8 feet-6 inches above the ground and cannot obstruct pedestrian traffic. These cannot be mounted on sand dunes.
- Canopies, umbrellas and beach chairs must be clean and well maintained. Food cart canopy fabric must be fire and sun resistant and be suitable for extended wear in an exterior outdoors.
- The number of chairs will be limited by the beach vending permit. If the vendor goes over the permitted quantity of chairs, there will be penalties in the form of a fine.

Stalls, booths and mobile vending structures

- All food preparation areas must be protected from airborne contamination by the roof and floor covering.
- Counters used for preparation of food must be outfitted with smooth, impervious work surfaces to prevent contamination of food.
- Adequate and approved refuse disposal receptacles are required and there must be sufficient fresh water.
- Stall structures, booth structures and vehicles must blend within the environment and must receive prior approval.
- All vending stalls and vehicles must be inspected by the relevant authority.

Horseback riding

- A license from the DECR, Department of Planning, Environmental Health and Agriculture to conduct horseback riding on the beach is necessary.
- Designated locations will be allocated to horseback riding.
- Person must clean up after their horses, dogs or any animals brought to the beach; horses should have a waste basket attached to their bodies; baggies must be brought to the beach to collect pet feces.

6. Safety and Other Considerations –

All vendors are to comply with all health and safety aspect of the operations as required under the Environmental Health Ordinance. Food handlers must have a permit from EDH for food vending



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Appendix 1:

Colour codes for beach zone activities.

Beach activities	Colour code
Renting of Chairs and umbrellas	Red
Renting of Floats/Mats, snorkels etc.	Yellow
Sale of Beverages or food	Dark Green
Braiding services	Yellow-Orange
Massage services	Orange
Kayaks	White
Snorkeling and scuba diving	Dark Blue
Trampolines and floating water parks	Purple
Water Cycles	Grey
Wind surfing/kiteboarding	Pink
Sail boats	Light Blue
Canoes	Orange-Red
Horseback riding	Black
Parasailing	Light Green
Jet ski	Blue
Jet boats	Teal
Water skiing	Dark Blue
Tubes or banana boats (pulled by a motorized vehicle e.g. small boat)	Bright Green
Fishing	Purple
SCUBA Diving	Dark Grey
Jet propulsion shoes (fly board, jet surfboards)	Red-Orange



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Appendix 2

Vending Coordinates

Name	Island	Location	Latitude	Longitude
Blue Hills Vending Zone 2	Providenciales	Blue Hills, Wheeland	21.80130	-72.26700
Blue Hills Vending Zone 1	Providenciales	Blue Hills, Wheeland	21.79180	-72.25860
Sapodilla Bay Vending Zone	Providenciales	Chalk Sound Beach	21.74390	-72.28420
Shore Club Vending Zone 1	Providenciales	Long Bay Beach	21.79180	-72.25860
Shore Club Vending Zone 2	Providenciales	Long Bay Beach	21.79690	-72.14990
Royal Reef West	North Caicos	Sandy Point	21.94254	-72.03983
Deane's Dock	Salt Cay	Balfour Town	21.33170	-71.21370
Anglican Church	Salt Cay	Balfour Town	21.32930	-71.21430
Halfway Villas	Salt Cay	Balfour Town	21.32800	-71.21460
Dunscombe	Salt Cay	Balfour Town	21.32540	-71.21540
Salt Cay Beach House	Salt Cay	Balfour Town	21.32130	-71.21580
Salt Cay Rentals	Salt Cay	Balfour Town	21.31870	-71.21664
South Cemetery	Salt Cay	Balfour Town	21.31661	-71.21751
North Creek	Salt Cay	Balfour Town	21.31922	-71.20891
Windmills Plantation	Salt Cay	North Beach	21.34062	-71.20245
South of Carnival	Grand Turk	South-West	21.42480	-71.14425
Governor's Beach	Grand Turk	South-West	21.43655	-71.14999
Kelly's House	Grand Turk	South-West	21.43919	-71.15090
Norman Saunders Old Chief Minister House	Grand Turk	South-West	21.44148	-71.15198
Caution Curve	Grand Turk	South-West	21.44509	-71.15338
Close Haul Rd	Grand Turk	South-West	21.44878	-71.15338
Sunset Cabana	Grand Turk	South-West	21.45411	-71.14982
Osprey Beach	Grand Turk	Cockburn Centre	21.45914	-71.14763
Scotia Bank	Grand Turk	Cockburn Centre	21.46908	-71.14686
Crofton Coverley House	Grand Turk	Cockburn Centre	21.47046	-71.14734
Miramar	Grand Turk	Cockburn Centre	21.47091	-71.14748
National Museum	Grand Turk	Cockburn Centre	21.47142	-71.14757
Murphy Alley	Grand Turk	Cockburn Centre	21.47180	-71.14764
Fish Market	Grand Turk	Cockburn Centre	21.47542	-71.14871
Bohio	Grand Turk	Cockburn Centre	21.48072	-71.14851
Pillary Beach II	Grand Turk	North Wells	21.48719	71.14996



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Premier's Residence	Grand Turk	North Wells	21.49039	-71.14976
Cork Tree Beach I	Grand Turk	North Wells	21.49175	-71.14979
Little Bluff/North Creek	Grand Turk	North Wells	21.50684	-71.13972
Horse Stable	Grand Turk	North-East	21.50704	-71.13061
Universal Way II	Grand Turk	North-East	21.49418	-71.13025
Courtney Barnett house	Grand Turk	North-East	21.48983	-71.13018
South of Sane Houses	Grand Turk	North-East	21.48529	-71.13110
Hawk Nest	Grand Turk	South-East	21.42812	-71.13668
White Sands Beach II	Grand Turk	South-East	21.42585	-71.13950
Sunset Beach	Providenciales	Leeward, Grace Bay	21.81540	-72.16210
Cultural Market	Providenciales	Leeward, Grace Bay	21.80560	-72.16720
Royal West Indies Resort	Providenciales	Leeward, Grace Bay	21.80060	-72.17090
The Mansions Beach Access	Providenciales	Leeward, Grace Bay	21.79730	-72.18250
The Sands Beach Access	Providenciales	Leeward, Grace Bay	21.79610	-72.18770
Rotary Park Beach Access	Providenciales	Leeward, Grace Bay	21.79380	-72.19030
Cedar Park Beach Access	Providenciales	Leeward, Grace Bay	21.79140	-72.19350
Coral Gardens	Providenciales	Leeward, Grace Bay	21.78520	-72.20480
Sandy Point	North Caicos	Sandy Point	21.94383	-72.04093
Horsestable Beach	North Caicos	Whitby	21.95360	-71.94385
Bambarra Beach	Middle Caicos	Bambarra	21.82838	-71.71699