

Discussion Paper

January 10, 2016

Written by: Debra Herrmann

1. **SUBJECT:** Proposed Ordinance to regulate recreational saltwater fishing and to codify no swimming within 300 feet of the pier

2. **PURPOSE:** To establish guidelines for recreational saltwater fishing, and to codify no swimming within 300 feet of the pier

3. **ASSUMPTIONS:**

- (a) Town Council desires to protect both swimmers and fishermen who use the town's beach
- (b) Town Council desires to establish code for fishing by which lifeguards, town beach service personnel, and the town's police department have authority to ensure the public's safety
- (c) It is anticipated that the number of surf fishermen will increase exponentially during the upcoming summer seasons, because of the pier's destruction
- (d) Town Council desires to codify that no swimming shall be done within 300 feet of either side of the pier (already in practice, but not codified)

4. **FACTS:**

- (a) The Surfside pier was destroyed by Hurricane Matthew, and is not safe to use; pier reconstruction is not expected to be complete until the summer of 2018
- (b) The Town Code of Ordinances does not regulate fishing other than to prohibit commercial fishing and shark fishing
- (c) The Town's Surfing Code was used to set parameters for surf fishing:
 - i. [§12-64(a)] is prohibited within 300 feet of either side of the pier
 - ii. Surfing is allowed anywhere on the beach before 10:00 a.m. and after 5:00 p.m. [§12-64(b)], and during the off season (September 15 to May 15) [§12-64(c)]
- (d) State Code requires a fishing license for saltwater fishing only
- (e) The fire chief; police chief, and public works director have reviewed this ordinance

5. **POINTS TO CONSIDER FOR SURF FISHING: (Based on surfing regulations)**

- (a) **Location.** (i) 300 feet north or south of the fishing pier; (ii) Beach wide, and (iii) Other specifically designated area or areas
- (b) **Time.** (i) Any time within the areas 300 feet north or 300 feet south of the pier, except during normal pier operation; (ii) Beach wide any time before 10:00 a.m. and after 5:00 p.m. and during the off season (September 15 to May 15), and (iii) Between the hours of 10:00 a.m. and 5:00 p.m., from May 16 through September 14, surf fishers must yield to others using the ocean and beach

6. **RECOMMENDATION:** Direct staff to bring an ordinance for consideration at the next meeting.

7. **RATIONALE FOR RECOMMENDATION:** Staff anticipates an influx of surf fishermen during the upcoming summer seasons while the pier is under reconstruction. The rationale is that codes should be adopted by which there will be orderly use of the town's beach by both swimmers and fishermen. The town has enforced no swimming within 300 feet of the pier for years, but has not codified that rule. Codification is necessary to enable enforcement.

addition, no person shall chum for any marine life in the above referenced areas.

In the event a person engaged in saltwater fishing catches a shark or any other marine animal that he or she reasonably knows may pose a danger to persons swimming, wading or otherwise engaged in activities in the above referenced areas, such person shall release the same at the place where the shark or other dangerous marine animal was caught immediately upon recognizing the catch as a shark or other dangerous marine animal.

(c) Lifeguards, town beach service personnel, and police officers shall have the authority to require persons engaged in saltwater fishing to cease fishing, if circumstances indicate that cessation of fishing is in the interest of public safety. In the event a lifeguard or public safety officer determines that fishing is unsafe, lifeguards, town beach service personnel, or police officer may order any person engaged in saltwater fishing to immediately cease fishing. Any person engaged in saltwater fishing ordered to cease fishing shall immediately comply with the order until such time as the lifeguard, town beach service personnel or police officer indicates that it is safe to resume fishing. The lifeguard, town beach service personnel, or police officer may indicate that saltwater fishing may occur at an alternate location during the time that the cease fishing order is effective.

(d) All debris, bait, fish line, hooks, and other fishing equipment or tackle must be contained and not allowed to be placed uncontained upon the beach or any area where saltwater fishing activities occur and shall be removed from the beach or saltwater fishing area immediately after any fishing has been concluded.

(e) Surf fishing.

(i) Surf fishing is allowed anytime within the area three hundred (300') on either side of the fishing pier, except during normal pier operations.

(ii) Surf fishing is allowed beach wide before 10:00 a.m. and after 5:00 p.m. from May 16 through September 14.

(ii) Surfside fishing is allowed beach wide anytime from September 15 through May 15.

SEVERABILITY. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article, which can be

given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

REPEAL AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this _____ day of _____ 2017.

Robert F. Childs, III, Mayor

Ron Ott, Mayor Pro Tempore

Timothy T. Courtney, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Town Council

Julie M. Samples, Town Council

Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk