



**SURFSIDE BEACH SPECIAL TOWN COUNCIL MEETING
COUNCIL CHAMBERS, 115 US HIGHWAY 17 North
Surfside Beach, SC 29575
JUNE 20, 2017 ♦ 5:15 P.M.**

www.surfsidebeach.org - ☎ (843) 913-6111 📠 (843) 238-5432

TOWN COUNCIL SPECIAL MEETING AMENDED AGENDA

- 1. CALL TO ORDER – Mayor Robert F. Childs**
- 2. PUBLIC COMMENTS – AGENDA ITEMS**
- 3. BUSINESS.**

Second Reading Ordinance #17-0846 to amend Ordinance #17-0842, §12-67(c)(iv) Exceptions, and (d) Beginning January 1, 2018, **and to eliminate paragraph (c)ii restricting the placement of tents no closer than ten (10) feet to another tent.**

- 4. ADJOURNMENT**

*This agenda is published pursuant to the Freedom of Information Act Section 30-4-80(A) and (E).
The public is invited to attend all meetings and events.*

Decision Paper

June 20, 2016

Written by: Debra Herrmann

1. **SUBJECT:** Second Reading of Ordinance #17-0846
2. **PURPOSE:** Amend Section 12-67, Paragraph (C) iv Exceptions in Ordinance #17-0842 to clarify what shading devices are allowed on the beach beginning at 8th Avenue South southwards to Melody Lane, and Paragraph (D) to clarify what is allowed beginning January 1, 2018
3. **ASSUMPTIONS:** Town Council desires the ordinance to be clearly stated and enforceable
4. **FACTS:**
 - a. Ordinance #17-0842 to amend obstructions on the beach was adopted at the April 23, 2017 regular meeting, because of beach erosion on the south end
 - b. An approved motion to amend stated that 'beginning immediately tents shall be prohibited from 8th Avenue South southwards to Melody Lane'
 - c. Because 'tents' and 'canopies' are technically different shading devices, the public has argued that canopies are allowed
 - d. Several complaints were received because the public refused to remove canopies, therefore, staff recommends an amendment to clearly state what beach shading devices *are allowed* instead of what is prohibited
 - e. The proposed ordinance corrects the language for the tent prohibition beginning January 2018 in addition to the immediate prohibition from 8th Avenue South southwards to Melody Lane
 - f. First reading was adopted without amendment at the June 13, 2017 regular meeting
 - g. Councilmember Samples requested that paragraph (C)ii restricting the placement of tents to no closer than 10-feet to another tent be eliminated from the ordinance.
5. **IMPACT OF SUCCESS OR FAILURE:**

Success will be achieved by eliminating tents, canopies, and other such shading devices on the beach beginning at 8th Avenue South southwards to Melody Lane for the remainder of this season and ensure that in the future there will be no misunderstanding about what is allowed

Failure will result in canopies continuing to be placed upon the beach for the remainder of this season and the town will have no authority to require removal
6. **RECOMMENDATION: Motion to adopt second reading of Ordinance #17-0846 as presented**
7. **RATIONALE FOR RECOMMENDATION:** The town is trying to protect what beach remains on the south end of town, and also provide room for residents and tourists alike to enjoy the beach. The amendment to begin immediately prohibiting tents on the south end was approved unanimously by Town Council. It is assumed that the intention was to prohibit all such shading devices, but the motion to amend did not include that specific language so it could not be included in the exception. Clarifying what shading devices are allowed versus those that are prohibited should eliminate enforcement issues.

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO AMEND ORDINANCE 17-0842, SECTION 12-67
COUNTY OF HORRY) OBSTRUCTIONS ON THE BEACH PARAGRAPHS
) (C) IV EXCEPTION AND (D) BEGINNING JANUARY 1, 2018
TOWN OF SURFSIDE BEACH) AND TO DELETE PARAGRAPH

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled adopted Ordinance 17-0842 at the April 25, 2017 regular meeting; and

WHEREAS, a motion to amend the ordinance was adopted at second reading to immediately begin prohibiting tents from 8th Avenue South southwards to Melody Lane; and

WHEREAS, the intent of the said amendment was to prohibit all shading devices except 'baby tents' and umbrellas from 8th Avenue South southwards to Melody Lane; and, the exception is unenforceable when applied to canopies that are shading devices, but not a tent; and

WHEREAS, Paragraph (D) has since been determined to need the same clarification.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that Section 12-67, Paragraph (C) ii is hereby deleted; paragraph iv Exceptions, and Paragraph (D) Beginning in January 1, 2018 of Ordinance #17-0842 are amended of the Town of Surfside Beach, South Carolina, are hereby amended to read as follows:

~~Section 12-67. Obstructions on the beach. Paragraph (C)ii. Any canopy, tent or other shading device shall not be placed closer than ten feet (10') on all sides from the next canopy, tent or other shading device, i.e. canopies, tents or shading devices shall not be linked to form a larger shade area; and~~

~~Section 12-67. Obstructions on the Beach. (C) iv. **Exception:** Beginning immediately, tents shall be prohibited on the beach beginning at 8th Avenue South southwards to Melody Lane. (Clerk's Note: Amended by approved motion 04/25/2017 D. Herrmann, Town Clerk)~~

Paragraph (C) iv. Exception: Beginning immediately from 8th Avenue South southwards to Melody Lane shading devices shall be no larger than thirty-one (31) inches in height by thirty-one and one-half (31.5) inches in width and thirty-eight (38) inches in depth (commonly referred to as a 'baby tent,') and umbrellas with a center pole no greater than seven (7) feet six (6) inches in height and with a circular shade no greater than nine (9) feet in diameter shall be allowed. An umbrella is defined as a collapsible circular shade consisting of a natural or synthetic fabric shade stretched over hinged ribs radiating from a central pole without grounding lines or ropes. All other shading devices are prohibited on the beach from 8th Avenue South southwards to Melody Lane.

(D) Beginning January 1, 2018: Shading Devices. The maximum shading device shall be no larger than thirty-one (31) inches in height by thirty-one and one-half (31.5) inches in width and thirty-eight (38) inches in depth (commonly referred to as a 'baby tent,') and umbrellas with a center pole no greater than seven (7) feet six (6) inches in height and with a circular shade no greater than nine (9) feet in diameter **shall be allowed**. An umbrella is defined as a collapsible circular shade consisting of a natural or synthetic fabric shade stretched over hinged ribs radiating from a central pole without grounding lines or ropes. All other shading devices, including but not limited to, tents (except baby tents as defined herein), tarps, cabanas, pavilions, sports brellas or similar devices, or any material mounted on supports are prohibited from being placed on the beach.

Exception: Tents used for special events that are approved by the Town shall be allowed.

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 20th day of June 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