

(C) i. **Beginning immediately** upon adoption of this ordinance until January 1, 2018, any canopy, tent, or other shading device shall not exceed a maximum size of ten feet by ten feet (10' x 10'); and

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

iii. Canopies, tents, or other shading devices shall be placed in a location behind the lifeguard stand in such a manner that the lifeguard's view of the beach shall not be obstructed. As lifeguards move their stands due to the rising tide, all shading devices shall be moved to the west to maintain the lifeguard's line of site.

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*)

(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. 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.

(E) **Lifeguard Line of Sight.** It shall be unlawful to place any obstruction on the beach in such a position that it will interfere with the ground-level vision of a lifeguard looking toward the water and the lifeguard stands on either side of him. As lifeguards move their stands due to the rising tide, all shading devices shall be moved to the west to maintain the lifeguard's line of site.

(F) **Emergency Lane.** It shall be unlawful to place any beach paraphernalia within eight (8) feet of the dune line. Said area shall remain open and free of any obstructions to provide a clear travel way for emergency vehicles, personnel and/or other emergency equipment to access the surf or other areas of the beach in the event of an emergency. Emergency access lanes perpendicular to the dune line shall remain open and unobstructed at all times. In the event of an emergency, the police chief or his designee shall direct that additional temporary emergency access lanes be created until no longer needed.

(G) **Removal, disposal.** Umbrellas, tents, canopies or other shading devices and/or other items/equipment remaining on the beach between the hours of 7:30 p.m.

and 9:00 a.m. or left unattended will be removed from the beach and disposed of accordingly.

(H) **Sand fencing and dune walkovers.** Sand fences and dune walkovers have been constructed to rebuild and preserve the sand dunes; sand dunes serve as barriers that aid in protecting life and property during hurricanes and or other tidal events. It is prohibited to move, alter, obstruct, interfere with the sand fencing including but not limited to, chaining items to, locking items to, or connecting items to a sand fence. In addition, no items may be placed, put, chained to, locked to or stored under any dune walkover located on the public beach.

(I) **Penalty.** Violations of this section are punishable as misdemeanors provided in Section 1-16(a) of this Code.

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 second reading by the Mayor and Town Council of the Town of Surfside Beach.

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 25th day of April 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