

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Paragraph (C) ii is hereby repealed.

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.

Paragraph (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 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

Approved