

STATE OF SOUTH CAROLINA) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH
) TO REPEAL SECTION 12-67, PARAGRAPH C (IV) AND
COUNTY OF HORRY) PARAGRAPH (D) TO REPEAL PROHIBITION OF TENTS ON
) THE TOWN BEACH AND RESTRICT TENT USAGE
TOWN OF SURFSIDE BEACH)

WHEREAS, the Mayor and Town Council of the Town of Surfside Beach, in council duly assembled on this 14th day of November 2017; and

WHEREAS, the Mayor and Town Council have discussed prohibition of tents on the town's beach on many occasions; and

WHEREAS, the Mayor and Town Council have received many, many messages and phone calls both in favor of and against the prohibition of tents; and

WHEREAS, the Mayor and Town Council concurred at the October 24, 2017 regular meeting to bring this ordinance for consideration.

NOW, THEREFORE, by the power and authority granted to the Surfside Beach Town Council by the State of South Carolina that Section 12-67 Obstructions on the beach, specifically paragraphs '(c)iv' and 'd' of the Code of Ordinances of the Town of Surfside Beach, South Carolina, is hereby amended to repeal all sections prohibiting tents on the town's beach:

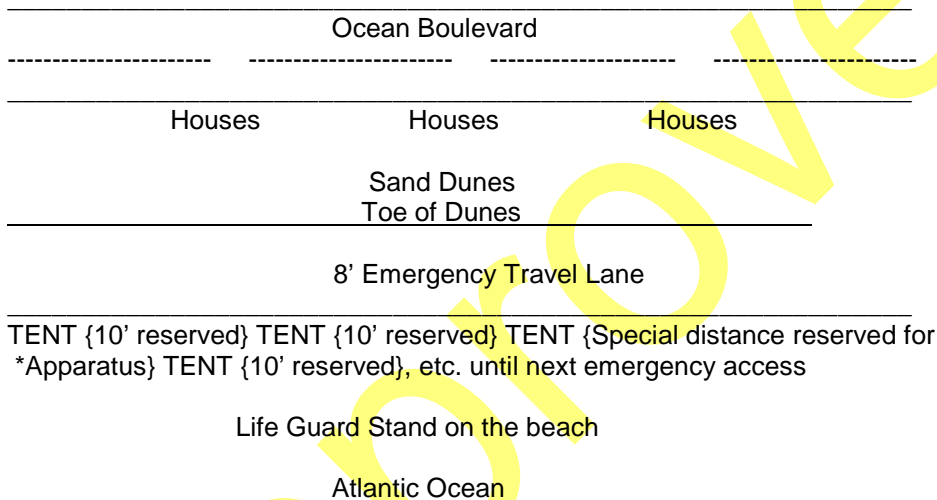
Sec. 12-67. - Obstructions on the beach.

- (a) *Hours.* Except for Town of Surfside Beach equipment, it shall be unlawful, between the hours of 9:00 p.m. and 7:30 a.m., for any person to leave upon, put, place or set any equipment, but not limited to, chairs, umbrellas, windbreakers, surfboards, air floats, life rafts, tents, cabanas, pavilions, volleyball nets, etc., or to build or erect any fence or other obstruction on the public beach, so as to obstruct, impede or retard the free and unconstrained use and occupancy of the public beach by the public or so as to interfere or obstruct any maintenance operation of the beach, and same shall be disposed of pursuant to subsection (g) hereof.
- (b) *Paraphernalia.* Beach umbrellas and other beach paraphernalia shall not be placed in front of the lifeguard stands and shall be placed in a line generally parallel with the ocean strand on either side the lifeguard stands, and shall not be left unattended.
- (c) *Shading Devices.*
 - i. Beginning immediately upon adoption of this section any canopy, tent, or other shading device shall not exceed a maximum size of ten feet by ten feet (10' x 10').
 - ii. [Reserved].
 - iii. Umbrellas or other shading devices, including baby tents, 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. An umbrellas is defined as a shading device 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. A 'baby tent' is defined as a shading device 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.
 - iv. [Reserved].

- (d) Tents, canopies, or other shading devices other than an umbrella or baby tent as defined in paragraph (c) iii hereinabove, shall be no larger than 10' x 10' and shall be allowed when placed contiguous to the town's beach emergency lane, so long as there is at least ~~six (6)~~ **ten (10)** feet between each tent, and tents shall have straight tie-downs, **and there shall be no obstructions, including beach paraphernalia, between the tents.** A single row of tents from Melody Lane to 17th Avenue North shall be allowed. Emergency access locations require additional clearance guidelines as follow to accommodate emergency apparatus. **Amended by approved motion November 28, 2017. dh**

*Emergency Apparatus Access	North Side Edge	South Side Edge
Melody Lane	25 feet	N/A (in County)
4 th Avenue South	25 feet	25 feet
Pier	150 feet	100 feet
7 th Avenue North	25 feet	25 feet
13 th Avenue North	25 feet	25 feet
17 th Avenue South	N/A (in County)	25 feet

Diagram for placement of tents:



- (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 28th day of November 2017.

Surfside Beach Town Council

VOTE:	Yes	No	
	<input type="checkbox"/>	<input type="checkbox"/>	_____
			Robert F. Childs, III, Mayor
	<input type="checkbox"/>	<input type="checkbox"/>	_____
			Ron Ott, Mayor Pro Tempore
	<input type="checkbox"/>	<input type="checkbox"/>	_____
			Timothy T. Courtney, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____
			Mark L. Johnson, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____
			David L. Pellegrino, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____
			Julie M. Samples, Town Council
	<input type="checkbox"/>	<input type="checkbox"/>	_____
			Randle M. Stevens, Town Council

Attest:

Debra E. Herrmann, CMC, Town Clerk