

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2021-11**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 32, WATERWAYS AND BEACHES; ARTICLE II, BEACHFRONT MANAGEMENT; DIVISION 2, RESTRICTIONS; SECTION 32-42, VEHICLE USE; SO AS TO AMEND THE REQUIREMENTS RELATING TO THE OPERATION OF MOTOR VEHICLES ON THE BEACHES OF SEABROOK ISLAND**

**WHEREAS**, in an effort to protect the health, safety and welfare of residents, visitors, wildlife, marine life and the environment, Section 32-41 et seq of the Town Code for the Town of Seabrook Island (the "Town Code") prohibits or restricts certain activities on the beaches and waterways of the Town of Seabrook Island; and

**WHEREAS**, Section 32-42 of the Town Code currently prohibits the driving or operating of motor vehicles, of any kind or nature, on the beaches of Seabrook Island, with certain exceptions; and

**WHEREAS**, the Mayor and Council of the Town of Seabrook Island desire to amend Section 32-42 so as to provide greater specificity relating to the types of vehicles which may be authorized on the beach; to create an exception for "Class 1 pedal-assist electric bicycles" which are duly permitted to operate within the Seabrook Island Development by the Seabrook Island Property Owners Association; to establish procedures for the review and approval of special vehicle use permits; and to update the general requirements regulating the use of approved vehicles on the beach; and

**WHEREAS**, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on October 26, 2021; and

**WHEREAS**, the Mayor and Council have determined that it is fitting and proper to amend Section 32-42 of the Town Code to achieve the objectives described herein;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Amending Section 32-42 of the Town Code.** The Town Code for the Town of Seabrook Island, South Carolina; Chapter 32, Waterways and Beaches; Article II, Beachfront Management; Division 2, Restrictions; Section 32-42, Vehicle Use; is hereby amended to read as follows:

**Sec. 32-42. – Vehicle Use.**

(a) Motor vehicles of any type or kind shall not be driven or operated on the beaches of Seabrook Island, except for those expressly authorized below:

(1) Vehicles operated by an official or employee of any municipal, county, state or federal agency, department or unit;

- (2) Vehicles operated by an official or employee of any bona fide public safety agency, including, but not limited to, law enforcement, code enforcement, fire suppression and emergency medical services;
- (3) Vehicles operated by an official or employee of any contractor, agency or entity providing goods or services on the beach under contract with or at the request of the town;
- (4) Vehicles operated by an official or employee of the following community organizations which are necessary for the performance of maintenance services, the provision of security services and/or the transportation of personnel and equipment on behalf of the organization:
  - a. Seabrook Island Property Owners Association
  - b. Seabrook Island Club;
  - c. Seabrook Island Turtle Patrol;
  - d. Seabrook Island Utility Commission;
  - e. St. Christopher Camp and Conference Center;
- (5) Small open motorized vehicles and medical devices may be operated by, or for the benefit of, individuals who have a physical or mental disability which i) is recognized by state or federal law, and ii) which would otherwise preclude their use and enjoyment of the beach;
- (6) Class 1 pedal-assist electric bicycles which are duly permitted by the Seabrook Island Property Owners Association for use within the Seabrook Island Development and which display a valid SIPOA decal while operating on the beach. For the purposes of this section, "class 1 pedal-assist electric bicycles" shall have the same meaning as "electric-assist bicycles" and "bicycles with helper motors," as defined in Sec. 56-1-10 of the South Carolina Code of Laws; and
- (7) Any other vehicles deemed essential by the town and duly operating under one of the following types of special vehicle use permits:
  - a. Standard vehicle use permits. Standard vehicle use permit requests shall be submitted to the town administrator in writing no less than thirty (30) days prior to the date upon which the applicant seeks to use a vehicle on the beach. Permit requests shall be forwarded by the town administrator to the town council for consideration at the next available town council meeting. If the town council determines that the use of a vehicle is essential to the applicant's intended purpose, then it may approve the issuance of a permit by resolution. In approving a permit, the town council may attach such reasonable conditions as it deems necessary to protect public health and safety.

b. Emergency permits. Emergency vehicle use permit requests shall be made to the town administrator, either verbally or in writing, as soon as practicable. If the town administrator determines that the use of a vehicle is necessary to mitigate an immediate threat to public health and safety, he or she may authorize a permit, either verbally or in writing. In approving a permit, the town administrator may attach such reasonable conditions as he or she deems necessary to protect public health and safety.

(b) Except in cases of an emergency, vehicles which are authorized to be driven or operated on the beach pursuant to this section shall comply with the following requirements at all times:

- (1) Vehicles shall be operated in such a manner so as not to endanger or unreasonably disturb beachgoers, wildlife or marine life, and designated critical habitat areas, including shorebird and turtle nesting areas;
- (2) Vehicles shall not exceed a speed of ten (10) miles per hour when operated on the beach;
- (3) Vehicles shall be operated on the wet sand; vehicles may not be operated on dry sand except to gain access to the wet sand;
- (4) Vehicles shall not be driven onto or within any dune or vegetated area;
- (5) Vehicles shall enter the beach only from authorized access points; and
- (6) All vehicles being operated on the beach, excluding those specified in subsections (a)(5) and (a)(6), shall be equipped with four-wheel drive.

~~(a) The driving or operation of any motor vehicle, of any kind or nature, on the beach is prohibited, except as provided in subsections (1) through (6) of this section:~~

- ~~(1) Emergency vehicles;~~
- ~~(2) Town and other government vehicles;~~
- ~~(3) Seabrook Island Property Owners Association (SIPOA) security or maintenance vehicles;~~
- ~~(4) Small open motorized vehicles designed to transport handicapped individuals operated by or for the benefit of individuals who have physical handicaps (A) which are recognized by state or federal law, and (B) which would otherwise preclude their use and enjoyment of the beach;~~
- ~~(5) Vehicles used by authorized members of the Seabrook Island Turtle Patrol;~~

~~(6) Seabrook Island Club maintenance vehicles;~~

~~(7) St. Christopher Camp and Conference Center vehicles used to transport watercraft and for maintenance purposes; and~~

~~(8) Other vehicles deemed essential by the town, operating pursuant to a duly granted permit from the town.~~

~~(b) Vehicles using the beach shall be operated in such a manner so as not to endanger beachgoers or wildlife. The maximum permissible speed limit on the beach shall be ten miles per hour. Vehicles shall be operated on the wet sand and not operated on dry sand or the upper beach other than to gain access to the wet sand. Vehicles shall not travel onto or otherwise disturb nesting, designated critical habitat areas, wildlife or marine life.~~

~~(c) All authorized vehicles traveling through primary frontal dune areas to the beach shall be restricted to the SIPOA vehicular beach access. St. Christopher Camp and Conference Center has consented to the use of its private vehicular beach access by authorized personnel in emergency situations. A second vehicular beach access for use by authorized personnel in emergency situations is located at the north end of the Pelican Watch Villa property.~~

**SECTION 2. Severability.**

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**SECTION 3. Conflicting Ordinances Repealed.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4. Effective Date.**

This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2020.

First Reading: September 28, 2021  
Public Hearing: October 26, 2021  
Second Reading: October 26, 2021

TOWN OF SEABROOK ISLAND

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John Gregg, Mayor

ATTEST

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Katharine E. Watkins, Town Clerk