

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2024-09

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 18, OFFENSES AND MISCELLANEOUS PROVISIONS; SO AS TO ESTABLISH REGULATIONS PERTAINING TO TRASH, LITTER AND DEBRIS; ILLEGAL DUMPING; THE PARKING OF VEHICLES AND EQUIPMENT; THE OPERATION OF SMALL UNMANNED AIRCRAFT; AND OTHER MATTERS RELATED THERETO

WHEREAS, Chapter 18 of the Town Code for the Town of Seabrook Island (the "Town Code") contains various provisions pertaining to general offenses against public safety; and

WHEREAS, the Mayor and Council of the Town of Seabrook Island "the "Mayor and Council") desire to amend Chapter 18 of the Town Code to establish and consolidate regulations pertaining to various general offenses and public nuisances, including trash, litter and debris; illegal dumping; the parking of vehicles and equipment within the Town; and the launching and landing of small unmanned aircraft within the Town; and

WHEREAS, the Mayor and Council further desire to amend the Town Code so as to remove conflicting provisions from elsewhere in the Town Code, including Section 22-21; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on October 15, 2024; and

WHEREAS, in an effort to protect the public health, comfort, safety and welfare of residents within the town, the Mayor and Council believe it is fitting and proper to amend the Town Code to achieve the objectives referenced 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, S.C.:**

SECTION 1. Amending Chapter 18 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; is hereby amended to read as follows:

Chapter 18 - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Sec. 18-1. Uniform ordinance summons.

- (a) *Authority.* Any person or entity violating any provision of the Town Code, or any ordinance adopted pursuant thereto, within the town's corporate limits may be issued a uniform ordinance summons.
- (b) *Jurisdiction.* The issuance of a uniform ordinance summons shall vest jurisdiction in the municipal court or a designated magistrate's court, as applicable, to hear and dispose of the charge for which the uniform ordinance summons was issued and served.
- (c) *Issuance.* A uniform ordinance summons may be issued by any person or official designated or appointed as a town code enforcement officer, pursuant to the provisions of section 18-2.
- (d) *Bond.* The bond amount for violations shall be prescribed by the municipal judge or the magistrate ~~so~~ appointed to perform that function. Town code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons.
- (e) *Limitations.* A uniform ordinance summons shall not be used to perform a custodial arrest, to regulate the use of motor vehicles on public highways, or to enforce any other offense or violation for which a uniform traffic ticket must be used, pursuant to S.C. Code 1976, ~~Sec. §~~ 56-7-10.
- (f) *Form.* The form set forth in Exhibit A to the ordinance from which this section is derived is hereby adopted as the "Town of Seabrook Island's Uniform Ordinance Summons."

Sec. 18-2. Town code enforcement officers.

- (a) *Designation of ex officio code enforcement officers.* For purposes of this section, the town administrator and zoning administrator are hereby designated, ex officio, as town code enforcement officers.
- (b) *Appointment of additional code enforcement officers.* The mayor, with the concurrence of the town council, may appoint and commission as many town code enforcement officers as may be necessary for the proper security, general welfare and convenience of the town.
- (c) *Powers and duties.* Town code enforcement officers shall be vested with the powers and duties set forth in S.C. Code 1976, ~~Sec. §~~ 5 7-32. Town code enforcement officers shall have the authority to exercise their powers on all public and private property within the town.
- (d) *Limitations.* No town code enforcement officer commissioned pursuant to the provisions of this section may perform a custodial arrest.

Sec. 18-3. Prohibited activities.

- (a) *False complaints, false information.* It is unlawful for any person to knowingly make a false complaint or provide false information to any town code enforcement officer concerning the alleged commission of any offense or violation by another.
- (b) *Misrepresentation of identity; failure to cooperate.* It is unlawful for any person to:
 - (1) Misrepresent his or her identity to a town code enforcement officer;
 - (2) Fail to provide necessary information or to otherwise cooperate with a town code enforcement officer in the discharge of his or her official duties; and
 - (3) Fail to accept a uniform ordinance summons issued by a town code enforcement officer.
- (c) *Penalties.* Unless otherwise prescribed by law, Any person who violates-violating the provisions of this section is-shall be deemed guilty of a misdemeanor and-upon conviction, must be fined not more than \$200.00 or imprisoned for not more than 30 days. shall be subject to the penalties set forth in section 1-7.

Sec. 18-4. Assaulting or resisting code enforcement or law enforcement officer.

No person shall assault, resist, hinder, oppose, molest, or interfere with any town code enforcement officer or employee of the town, of any department or board of the town, or of any law enforcement officer, in the discharge of official duties. Unless otherwise prescribed by law, any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-7.

Secs. 18-5—18-~~2219~~. Reserved.

ARTICLE II. OFFENSES AGAINST PUBLIC SAFETY

Sec. 18-~~2320~~. Discharging firearms.

- (a) *Firearms defined.*
 - (1) For purposes of this articlesection, the term "firearm" includes:
 - a. Any handgun as defined in S.C. Code 1976, § 16-23-10; and
 - b. Any machine gun, sawed-off shotgun, shotgun, sawed-off rifle, rifle or antique firearm as defined in S.C. Code 1976, § 23-31-310.
 - (2) For purposes of this articlesection, the term "firearm" does not include:

- a. BB guns; and
 - b. Air rifles.
- (b) *Prohibited.* It shall be unlawful for any person to negligently or carelessly discharge or fire any firearm or crossbow within the town's jurisdiction. Any intentional discharge is prohibited, subject to the exceptions set forth in subsection (c) of this section.
- (c) *Exceptions.* Exceptions to the prohibition contained in subsection (b) of this section may be granted by resolution of the town council. The following are examples of situations warranting exception:
- (1) A controlled hunt which is undertaken as part of a duly authorized wildlife management program;
 - (2) A controlled hunt to remove any animal whose presence poses a threat to public health and safety;
 - (3) Any peace officer of the state, county or municipality, in the performance of his or her office or duty;
 - (4) Any security officer employed by a property owners' association or development within the town, in the performance of his or her office or duty; and
 - (5) A landowner intentionally discharging a firearm or crossbow on the landowner's property to protect the landowner's family, employees, the general public, or the landowner's property from animals that the landowner reasonably believes poses a direct threat or danger to the landowner's property, people on the landowner's property, or the general public. For purposes of this subsection, the landowner's property must be a parcel of land comprised of at least twenty-five (25) contiguous acres.

(d) Penalties. Unless otherwise prescribed by law, any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-7.

Sec. 18-~~2421~~. Gaming-Gambling vessels.

- (a) *Prohibited; exceptions.* The town hereby prohibits within its jurisdiction the docking and embarking or disembarking of passengers aboard gambling vessels, as defined in S.C. Code 1976, § 3-11-100(1), that provide gambling aboard voyages that depart from the town's jurisdiction, leave the territorial waters of the state, sail into United States or international waters, and return to the territorial waters of the state without making an intervening stop, as defined in S.C. Code 1976, § 3-11-100(3). Nothing in this section shall be construed to prohibit, regulate, or otherwise apply to passenger

cruise liners, as defined by S.C. Code 1976, § 3-11-100(5), nor shall this section apply to vessels described in S.C. Code 1976, § 3-11-400(A).

- (b) *Penalties.* Anyone violating this section must be assessed a civil penalty of not more than \$100.00 per passenger for each violation, with an aggregate total in penalties not to exceed \$50,000.00 per gambling vessel for a 24-hour period. For the purposes of this section, the term "per passenger" means the total number of passengers allowed on a vessel pursuant to its United States Coast Guard certificate of documentation or equivalent foreign documentation. In addition, violations of this section are subject to injunctive relief.
- (c) *Validity.* The exceptions for passenger cruise liners and S.C. Code 1976, § 3-11-400(D) in this section are so connected with the other provisions of this section that they are mutually dependent on each other as conditions and considerations for each other, so that the town council would not have adopted this section without them; therefore, should these exceptions be found unconstitutional or invalid, it is the intent of the council that the entire section be found invalid.

Sec. 18-~~2522~~. Prohibited hours of operation for establishments permitting on-premises consumption of beer, ale, etc.; penalty.

The town hereby prohibits any establishment that allows for the on-premises consumption of beer, ale, liquor, porter, and/or wine from operating between the hours of 2:00 a.m. and 6:00 a.m. on Mondays through Sundays. ~~A violation of the provisions of this section is punishable by a fine of up to \$500.00 per incident and 30 days in jail and the immediate revocation of the merchant's business license for a period of one year. Unless otherwise prescribed by law, any establishment violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-7. Violation of this section shall also be grounds for suspension and revocation of the establishment's business license, as provided in section 8-15.~~

Sec. 18-~~2623~~. Restraint of General rules for domestic household animals/pets.

~~(a) *Definitions.* For purposes of this section, the following definitions shall apply, except where the context clearly indicates a different meaning:~~

~~(1) *Competent person.* A person of suitable age and discretion and physically capable of restraining and controlling the domestic animal/pet in his or her care in order to prevent harm to persons, property, or to other animals.~~

~~(2) *Effectively restrained.* The person owning or having possession, charge, custody, or control of the domestic household animal/pet restrains the animal from destroying or damaging any property; attacking, threatening to attack, or interfering with any person in any manner; becoming a nuisance; or straying onto public property or the private property of another.~~

(3) On a leash. The domestic household animal/pet is restrained by a competent person using a physical restraint made of cord, rope, strap, chain, or other material effective for restraining the type and size of domestic household animal/pet, the physical restraint being no more than sixteen (16) feet in length, secured to the animal's collar or harness, and continually held by a competent person.

(b) Leash required. No person owning or having possession, charge, custody, or control of any domestic household animal/pet shall cause, permit, or allow the animal to stray or in any manner to run at large upon public property or upon the property of another unless the animal is effectively restrained on a leash.

(c) Excessive noise prohibited. No person shall allow or permit any animal in his or her possession, charge, custody, or control to bark, whine, howl, or make other noises in an excessive, continuous, or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises.

~~(b)~~ For purposes of this section, the term "on a leash" shall have the same meaning as contained in section 32-44(a)(4)(d).

~~(c)~~ For purposes of this section the term "effectively restrained" shall mean that the person owning or having possession, charge, custody or control of the animal restrains the animal from destroying or damaging any property; attacking, threatening to attack, or interfering with any person in any manner; becoming a nuisance; or straying onto public property or the private property of another.

(d) Exceptions. The provisions of this section shall not apply on any public property which is subject to the provisions of section 32-44.

(e) Penalties. Unless otherwise prescribed by law, any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-7. Notwithstanding the provisions of section 1-7, the maximum fine for violations of this section shall be as follows:

(1) \$50.00 for the first violation in any twelve (12) month period;

(2) \$100.00 for the second violation in any twelve (12) month period;

(3) \$250.00 for the third violation in any twelve (12) month period; and

(4) \$500.00 for any subsequent violation in any twelve (12) month period.

Sec. 18-24. Small unmanned aircraft.

(a) Definitions. For purposes of this section, the following definitions shall apply, except where the context clearly indicates a different meaning:

(5) FAA. The Federal Aviation Administration.

(6) Small UAS Rule (Part 107). Title 14, Code of Federal Regulations, Part 107.

(7) Small unmanned aircraft. An unmanned aircraft, commonly known as a “drone,” weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

(8) Small unmanned aircraft system (UAS). A small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

(9) Unmanned aircraft. An aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(b) In general. No person shall launch and/or land a small unmanned aircraft within the corporate limits of the town, including those areas lying between the high-tide line and one mile seaward of the high-tide line, unless specifically exempted or permitted in accordance with the provisions of this section.

(c) Exceptions.

(1) The prohibition set forth in subsection (b) of this section shall not apply to the launching and/or landing of any small unmanned aircraft which, in the performance of official duties, is operated by an official, employee, or contractor of the following:

a. A municipal, county, state, or federal agency, department, or unit;

b. A bona fide public safety agency, including, but not limited to, law enforcement, code enforcement, fire suppression, and emergency medical services;

c. A public utility or telecommunications provider operating pursuant to a duly authorized franchise agreement;

d. The Seabrook Island Property Owners Association; and

e. The owner of any property containing twenty-five (25) or more contiguous acres; provided, the small unmanned aircraft is not launched from or landed upon the property of another.

(2) The prohibition set forth in subsection (b) of this section shall not apply to the launching and/or landing of any small unmanned aircraft which is used exclusively for commercial, cultural, educational, or scientific purposes, provided:

a. The operator provides documentation that he or she possesses a valid Remote Pilot Certificate from the FAA;

b. The operator provides documentation that the small unmanned aircraft to be launched and/or landed within the corporate limits of the town is properly registered with the FAA, pursuant to the FAA's Small UAS Rule (Part 107); and

c. No less than seventy-two (72) hours in advance of each flight, the operator shall provide written notice to the Town Administrator, using a notification form made available for that purpose, of his or her intent to launch and/or land a small unmanned aircraft within the corporate limits of the town. The notification form shall include the operator's name and contact information; the purpose of the operation; the date, time, and location upon which the small unmanned aircraft is proposed to be launched and/or landed; and such other information as may be deemed appropriate by the Town Administrator. In cases of exigent circumstances, the Town Administrator may waive or modify the seventy-two (72) hour notice requirement at his or her sole discretion. In lieu of the advance notification requirement, an eligible operator may apply for and obtain an annual "frequent flyer" permit. The Town Administrator may issue an annual permit to any operator meeting the requirements set forth in paragraphs (a) and (b) above. Each permit year shall run from May 1st to April 30th of the following year. The cost of a permit shall be five dollars (\$5.00) per year.

(f) Penalties. Unless otherwise prescribed by law, any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-7. Notwithstanding the provisions of section 1-7, the maximum fine for violations of this section shall be as follows:

(1) \$50.00 for the first violation in any twelve (12) month period;

(2) \$100.00 for the second violation in any twelve (12) month period;

(3) \$250.00 for the third violation in any twelve (12) month period; and

(4) \$500.00 for any subsequent violation in any twelve (12) month period.

Secs. 18-25—18-29. Reserved.

ARTICLE III. PUBLIC NUISANCES

Sec. 18-30. Trash, litter and debris; illegal dumping.

(a) Trash, litter and debris.

(1) In general. Except as otherwise provided herein, it shall be unlawful for any person to accumulate, place, store, allow, or permit the accumulation, placement, or storage of trash, litter, junk, or debris on any premises within the town, except in a lawfully permitted disposal facility.

(2) Household waste and debris.

a. Trash and recycling. Household trash and recycling shall be stored in covered watertight storage receptacles designed for the temporary accumulation of trash for a period not to exceed seven (7) days. Household trash and recycling receptacles shall not be placed curbside prior to 12:00 p.m. on the day prior to the scheduled pick-up and must be removed from the curb by the end of the day of pick-up. At all other times, trash and recycling receptacles must be removed from the curb and stored in a location which is not plainly visible from the street.

b. Yard debris. Household yard debris shall not be placed curbside prior to dawn on the Saturday prior to the scheduled pick-up date; provided, however, the mayor or council may suspend this provision for up to one hundred and eighty (180) days following any major storm or debris-generating event, or when deemed necessary to preserve public health and safety. Yard debris shall not be placed on or near storm water catch basins or drainage boxes, or within fifteen (15) feet of a fire hydrant. Limbs and palm fronds must be neatly stacked at curbside, and all loose debris, such as leaves and twigs, shall be placed into sturdy paper bags or in open-topped containers.

c. Bulk items. Bulk items, such as appliances, electronics, household furnishings, bedding, and similar items, shall not be placed curbside prior to 12:00 p.m. on the day prior to the scheduled pick-up date. Bulk items shall not be placed on or near storm water catch basins or drainage boxes, or within fifteen (15) feet of a fire hydrant.

d. Airtight containers. It shall be unlawful for any person to abandon or discard, or to knowingly permit the abandoning or discarding upon their property, any icebox, refrigerator, ice chest, or other type of airtight container of a capacity sufficient to contain any child and to neglect, prior to such abandonment, to remove the door, lid, or other device for the closing thereof

(3) Dumpsters.

a. In general. Where dumpsters are provided for use in any regime, association, or non-residential establishment, the dumpsters shall be used for trash

storage and disposal only by residents or other approved users within the regime, association, or non-residential establishment. Dumpsters shall be stored on an approved pad and sufficiently screened pursuant to the requirements of Section 11.3(B) of the Development Standards Ordinance.

b. *Service; maintenance.* Dumpster pick-up service shall be sufficiently frequent to avoid trash overflow. Any trash overflow or other maintenance concerns shall be immediately remedied by the management of the regime, association, or non-residential establishment.

(4) *Construction activities.*

a. *Construction and demolition debris.* Trash, litter, and debris generated during the construction, renovation, repair, or demolition of structures, roads, bridges, and other improvements shall be stored in a dumpster or similar receptacle on the construction site. In lieu of a dumpster, a trailer not more than sixteen (16) feet in length may remain on the construction site for the purpose of collecting trash, litter, and debris; provided, the trailer shall have solid sides for trash containment or be covered with a tarpaulin while construction activities are not taking place. Any dumpster, receptacle, or trailer shall be emptied or removed on a regular basis to avoid overflow and to ensure that any accumulated trash, litter, and debris is not visible from the street.

b. *Vegetative debris.* Vegetative debris such as trees, limbs, stumps, rocks, soils, and other vegetative matter resulting from land clearing or land development activities shall be removed from each construction site by the owner or contractor as often as necessary to keep the site free of such debris.

c. *Temporary sanitary facilities.* Temporary sanitary facilities, where provided, shall be located off the street right-of-way and screened so they are not visible from the street.

(5) *Littering.* No person shall dispose of trash by dropping, scattering, or strewing it upon any public property, street or right-of-way, or upon the property of another.

(6) *Animal waste.* No person shall allow a domestic household animal/pet or livestock to defecate upon any public property, street or right-of-way, or upon the property of another, without removing and disposing of the excrement as promptly as is reasonably practicable.

(b) *Illegal dumping.*

(1) *In general.* No person shall use any part of his or her property, or the property of another, as a dumping site for any type of trash, litter, junk, debris, or hazardous materials.

(2) *Dumping in waterways and storm sewers prohibited; mitigation.* No person shall dump, place, or deposit, or allow the dumping, placing, or depositing, of any trash, litter, junk, debris, hazardous material, fill of any type, or other substances in any channel, stream, ditch, river, marsh, sewer, storm sewer, or other waterway within the town. Any violation of this section shall require mitigation along with such fines or penalties as may be imposed.

(c) *Penalties.* Failure to comply with the provisions set forth in this section shall be deemed a public nuisance. Unless otherwise prescribed by law, any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-7. Notwithstanding the provisions of section 1-7, the maximum fine for violations of this section, with the exception of section 18-30(b)(2), shall be as follows:

(1) \$50.00 for the first violation in any twelve (12) month period;

(2) \$100.00 for the second violation in any twelve (12) month period;

(3) \$250.00 for the third violation in any twelve (12) month period; and

(4) \$500.00 for any subsequent violation in any twelve (12) month period.

Sec. 18-31. Vehicle and equipment parking.

(a) *Definitions.* For purposes of this section, the following definitions shall apply, except where the context clearly indicates a different meaning:

(1) *Carport.* An attached or detached structure with a roof and one or more open sides, or an unenclosed area located under a residential dwelling which is designed or used for the storage of vehicles.

(2) *Designated parking space.* A designated area or space on a single-family lot or within a multi-unit development which is used primarily for the parking of passenger vehicles. A designated parking space may be located on a driveway, shared driveway, guest parking area, or within a shared parking lot, as applicable. Designated parking spaces shall be located on an improved surface consisting of any one of more of the following materials:

a. asphalt or pervious asphalt;

b. brick or brick pavers;

c. concrete, pervious concrete, or concrete pavers;

d. crushed stone, gravel, or plantation mix; or

e. stone or stone pavers.

(3) Garage. An attached or detached enclosed structure which is devoted to or designed for the storage of vehicles.

(4) Passenger vehicle. Any type or class of passenger car, sport utility vehicle (SUV), pickup truck, or van with a maximum seating capacity of ten (10) or fewer passengers (including the driver); passenger van with a maximum seating capacity of fifteen (15) or fewer passengers (including the driver); moped; motorcycle; golf cart; or low-speed vehicle (LSV); which is manufactured primarily for the purpose of carrying passengers.

(5) Residential area. Any lot, plot, or parcel of land which is zoned R-SF1, R-SF2, R-SF3, R-CL, R-TH, or R-MF, according to the official zoning map of the town. The term shall also apply to properties in the AGR and MU zoning districts which contain a residential use or structure.

(b) Off-street parking; generally. In all areas of the town, no person shall park, or allow to be parked upon his or her property, any vehicle or equipment, of any type, except as provided herein:

(1) Vehicles and equipment shall not be parked within fifteen (15) feet of a fire hydrant;

(2) Vehicles and equipment shall not be parked in any area which has been designated as a fire lane, emergency lane, loading area, or no parking area;

(3) Vehicles and equipment shall not be parked in any location which impairs access by emergency vehicles, unreasonably impedes the flow of vehicular or pedestrian traffic, or restricts ingress to or egress from neighboring properties;

(4) Within shared residential parking lots or parking lots in non-residential areas, vehicles and equipment shall not be parked in any aisle or driving lane; and

(5) Parking in handicapped spaces shall be permitted only with a valid government-issued parking permit.

(c) Off-street parking in residential areas. In all residential areas of the town, no person shall park, or allow to be parked upon his or her property, any vehicle or equipment, except as provided herein:

(1) Passenger vehicles shall park only upon designated parking space(s) or within a garage or carport;

(2) Passenger vehicles shall not be parked on or within any yard, grass, landscaped area, median, pathway, or sidewalk, or within any common open space which is used for a purpose other than passenger vehicle parking;

(3) Parking of the following types of vehicles and equipment shall be prohibited:

- a. Vehicles larger than a passenger vehicle;
- b. Vehicles containing more than two (2) axles;
- c. Commercial vehicles displaying a business sign or logo;
- d. Unlicensed or unregistered vehicles;
- e. Inoperative vehicles;
- f. Vehicles in a state of major disassembly, disrepair, or in the process of being stripped or dismantled;
- g. Recreational vehicles, campers, boats, and trailers; and
- h. Heavy machinery and equipment.

(4) The prohibitions contained in the preceding paragraph (3) shall not apply to the following:

- a. Vehicles and equipment which are actively engaged in providing goods, services, deliveries, or service calls to a residential property or to the occupants thereof, such as delivery trucks, moving trucks, landscapers, housekeepers, and similar contractors or vendors;
- b. Vehicles and equipment which are making trips to transport persons or property;
- c. Vehicles and equipment which are being used in conjunction with lawfully permitted construction activities on the property;
- d. Vehicles and equipment which are parked within a garage or other enclosed space;
- e. Vehicles and equipment which are temporarily parked on the property between the hours of 7:00 a.m. and 11:00 p.m. for the purpose of loading, unloading, cleaning, or performing minor repairs and maintenance, such as tire or battery replacement; and

f. Temporary storage units which are lawfully permitted pursuant to Section 2.5(F)(2) of the Development Standards Ordinance.

(d) On-street parking. In addition to the off-street parking requirements specified herein, parking on or within a recorded street or road right-of-way (hereafter "on-street parking") shall be subject to the following:

(1) No vehicle or equipment of any kind shall be parked on or within any public street right-of-way within the town without the express authorization of the town.

(2) The owner of any private road within the town may impose additional on-street parking requirements including, without limitation, restricting or prohibiting on-street parking on or within any right-of-way under its ownership.

(e) Exceptions. The provisions of this section shall not apply to the following:

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

(2) Vehicles and equipment operated by an official, employee, or authorized contractor of any bona fide public safety agency, including, but not limited to, law enforcement, code enforcement, fire suppression, military, and emergency medical services;

(3) Vehicles and equipment operated by an official, employee, or authorized contractor of any public utility or telecommunications provider operating pursuant to a duly authorized franchise agreement; and

(4) Vehicles and equipment operated by an official, employee, or authorized contractor of the Seabrook Island Property Owners Association.

(g) Penalties. Failure to comply with the provisions set forth in this section shall be deemed a public nuisance. Unless otherwise prescribed by law, any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-7. Notwithstanding the provisions of section 1-7, the maximum fine for violations of this section, with the exception of those specified in section 18-31(b), shall be as follows:

(1) \$50.00 for the first violation in any twelve (12) month period;

(2) \$100.00 for the second violation in any twelve (12) month period;

(3) \$250.00 for the third violation in any twelve (12) month period; and

(4) \$500.00 for any subsequent violation in any twelve (12) month period.

SECTION 2. Adopting an Amended Uniform Ordinance Summons. The “Town of Seabrook Island’s Uniform Ordinance Summons,” which was adopted by reference as Exhibit A pursuant to Section 18-1(f) of the Town Code for the Town of Seabrook Island, is hereby amended so as to repeal and replace the existing exhibit, a copy of which is attached to this ordinance as “Exhibit A.” The version contained in the attached “Exhibit A” is hereby adopted by reference as if fully set forth within this section.

SECTION 3. Repealing Section 22-21 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 22, Solid Waste; Article II, Garbage and Refuse Collection and Disposal; is hereby amended so as to repeal Section 22-21, Prohibited Practices; in its entirety.

~~**Sec. 22-21. Prohibited practices.**~~

~~No person shall dump, place, or deposit or allow the dumping, placing, or depositing of any refuse, garbage, fill of any type, or other substances in any channel, stream, ditch, river, marsh, sewer, storm sewer or other waterway within the town. Any violation of this section will require mitigation along with such fines or penalties imposed under section 1-7.~~

SECTION 4. 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 5. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. Effective Date. This ordinance shall be effective from and after May 1, 2025.

SIGNED AND SEALED this ____ day of _____, 2024, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2024.

First Reading: **October 28, 2024**
Public Hearing: **October 15, 2024**
Second Reading: **November 14, 2024**

TOWN OF SEABROOK ISLAND

Bruce Kleinman, Mayor

LEGAL REVIEW

Stafford J. McQuillin, Town Attorney
Approved as to legal form only

ATTEST

Katharine E. Watkins, Town Clerk

DRAFT

Exhibit A
To Ordinance 2024-09

**Town of Seabrook Island's Uniform Ordinance Summons
(Amended)**

DRAFT

DEFENDANT COPY

UNIFORM ORDINANCE SUMMONS

Town of Seabrook Island

No. **XXXX**

Business Name			
Last Name	First Name	Middle Name	
Address			
City	State	Zip	SSN/FEIN

**YOU ARE REQUIRED TO APPEAR BEFORE THE MUNICIPAL JUDGE AT
2001 SEABROOK ISLAND ROAD, SEABROOK ISLAND, SC 29455**

ON

/	/
---	---

 AT

A.M.
P.M.

DATE OF TRIAL TIME OF TRIAL

FOR TRIAL FOR VIOLATION OF TOWN ORDINANCE:

Ordinance Section No.	Date Issued
Description of Ordinance	
Place of Violation	
Date of Violation	Time of Violation A.M. P.M.
Name of Issuing Officer	Title

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by a fine of up to \$500.00 or imprisonment for up to 30 days.

Please visit Seabrook Island Town Hall or call (843) 768-9121 if you wish to pay a fine in lieu of coming to court.

If you choose to pay a fine in lieu of coming to court, please sign this copy, date and return to Seabrook Island Town Hall with the fine. This payment can be hand-delivered or mailed to the following address: Clerk of Court, 2001 Seabrook Island Road, Seabrook Island, SC 29455.

Payment of a fine in lieu of coming to court shall be deemed an admission of guilt.

Signature of Defendant

Date

Maximum penalty that can be imposed by the court for this offense is \$500.00 and/or imprisonment for 30 days. In addition to the court fine, the state imposes a State Assessment of 107.5% that is added to the fine imposed by the court, a Victim's Advocate Surcharge of \$25.00, and a Municipal Law Enforcement Surcharge of \$25.00.

DEFENDANT COPY

ISSUING OFFICER COPY

UNIFORM ORDINANCE SUMMONS

Town of Seabrook Island

No. **XXXX**

Business Name			
Last Name	First Name	Middle Name	
Address			
City	State	Zip	SSN/FEIN

**YOU ARE REQUIRED TO APPEAR BEFORE THE MUNICIPAL JUDGE AT
2001 SEABROOK ISLAND ROAD, SEABROOK ISLAND, SC 29455**

ON

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 DATE OF TRIAL

AT

				A.M.
				P.M.

 TIME OF TRIAL

FOR TRIAL FOR VIOLATION OF TOWN ORDINANCE:

Ordinance Section No.	Date Issued
Description of Ordinance	
Place of Violation	
Date of Violation	Time of Violation A.M. P.M.
Name of Issuing Officer	Title

FOR OFFICIAL USE ONLY

Disposition

Defendant	<input type="checkbox"/> Did Not Appear <input type="checkbox"/> Appeared	Date of Disposition		
Pled	<input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty			
Trial	<input type="checkbox"/> Bench <input type="checkbox"/> Jury	Verdict	<input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	
Fine	Assessments	VA Fee	LE Surcharge	Amount Collected
Suspended		Community Service		
Name of Presiding Municipal Judge				
Certified Correct By		Date		

ISSUING OFFICER COPY

COURT COPY

UNIFORM ORDINANCE SUMMONS

Town of Seabrook Island

No. **XXXX**

Business Name			
Last Name	First Name	Middle Name	
Address			
City	State	Zip	SSN/FEIN

**YOU ARE REQUIRED TO APPEAR BEFORE THE MUNICIPAL JUDGE AT
2001 SEABROOK ISLAND ROAD, SEABROOK ISLAND, SC 29455**

ON

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 DATE OF TRIAL

AT

				A.M.
				P.M.

 TIME OF TRIAL

FOR TRIAL FOR VIOLATION OF TOWN ORDINANCE:

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Suspended		Community Service		
Name of Presiding Municipal Judge				
Certified Correct By		Date		

COURT COPY