

with the consent of council for each occurrence, or by methodology establish by such council for such occurrences.

Sec. 16-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Access means the area of land extending from the public street to the beach which has been provided for the purpose of access to the beach.

Animal any living non-human creature, not including guide dogs or service animals.

Aquatic Activity means Any activity occurring in or on the ocean including, but not limited to, swimming, surfing, kite-boarding, wind-surfing, operation of wind-propelled vessels, operation of motor-propelled vessels, and surf-fishing.

Beach means the area lying between the mean low-water mark of the Atlantic Ocean and the primary dune line. Also those lands subject to periodic inundation by tidal and wave actions so that no vegetation is established.

Essential vehicles and vessels means those vehicles and vessels whose use on the beaches and on the Atlantic Ocean are deemed essential but the local, state and federal agencies. Essential vehicles and vessels shall include the following: law enforcement and emergency vehicles and vessels; municipal, county, state and other government vehicles and vessels; and any other vehicles or vessel deemed essential by the local, state, or federal agency.

Sec. 16-20. - Horses prohibited.

It shall be unlawful for any person to have a horse upon the beach or access at any time.

Sec. 16-21. - Overnight sleeping on beach prohibited.

It shall be unlawful for any person to sleep on the beach or access between the hours of 9:00 p.m. and sunrise **8:00 a.m.**

Sec. 16-22. - Use of surfboards and skimboards.

No person shall use a surfboard or skimboard in a manner that endangers bathers, swimmers, surfers, and other persons in the water.

Surfboard leashes (seven-foot maximum length) must be worn at all times.

Surfboarding and skimboarding will not be permitted within 200 feet of the cabana beach-access stairs from ~~June~~ **May 1** through ~~Labor Day~~ **October 1**. A marker will be installed showing the distance of 200 feet on both sides of the stairs.

Sec. 16-23. - Littering.

It shall be unlawful for any person to throw or deposit any glass, bottle, glassware, can, paper or other materials, or any garbage, waste or refuse of any kind on the beach or in the water.

Sec. 16-24. -~~Shark fishing prohibited.~~ Flotation Devices restricted

It shall be unlawful for any person to bait, fish for, or otherwise attract sharks to an area within one mile of the beach nor shall any person, in any manner, chum for any marine life.

All flotation devices must be fabric-covered and have a 360 degree rope (three-eights-inch minimum diameter) with a ten percent slack or must be U.S. Coast Guard approved as a flotation device. Those devices not meeting these requirement will not be permitted on the surf or in the water. This section does not apply to surfboards, paddleboards or skim boards.

Sec. 16-25. - Nudity.

It shall be unlawful for any person to appear in the nude on the beach or access.

- (A) **It shall be unlawful for any person to appear in the nude on any public beach, beach access, in the public waters, any other public property, or in view of the public.**
- (B) **It shall be unlawful for any person to intentionally appear on any public beach, beach access, in the public waters, any other public property, or in view of the public in such a state of undress or undress so as to expose to the view of others the human male or female genitals, pubic area, pubic hair, buttocks, anus, vulva, or any portion of the female breast at or below the areola thereof.**

Sec. 16-26. - Animals on beaches.

Any animal on the beach must be on a handheld leash not to exceed seven feet in length and under the control of the person having custody of the animal. **Persons in control of the animal are responsible for the clean-up of any animal refuse. No reptiles, exotic animals, or similar type of animal are allowed on the beach or beach access at any time.** Any animal refuse shall be removed from the beach or access by the person having custody of the animal.

Sec. 16-27. - ~~Motorboats, sailboats, etc~~ Watercraft.

No person shall use any equipment in a manner that endangers bathers, swimmers, surfers or other persons in the water. Sailboats, motorboats, catamarans, and jet skis shall remain at least 400 feet from the shoreline, with the exception of entrance to and exit from the ocean. Sailboats, motorboats, catamarans, and jet skis may only be launched and/or retrieved in that area specified for launching and retrieving.

(A) **It shall be unlawful to leave any sailboat, boat, jet-ski or other watercraft on the public beach after sunset and before sunrise each day, additionally, it shall be unlawful to leave any sail boat, jet-ski or other watercraft unattended.**

(B) **Motorboats. It shall be unlawful for any person to operate or pilot a motor-driven boat, except for vessels commonly known as jet-skis or similar type vessels, in the water of the Atlantic Ocean within 400 yards of the point where the Atlantic Ocean adjoins the public beach or elsewhere along the public beach in any manner as to create a hazard to**

the public within the waters of the Atlantic Ocean. Emergency vessel operating under official guidelines are exempt from this ordinance.

(C) Jet-skis. It shall be unlawful to operate any jet0ski in the water of the Atlantic Ocean within 100 yards of the point where the Atlantic Ocean adjoins the public beach during the period from May 1 up to and including Labor Day of any year, except that jet-skis may be launched from and returned to the beach on a course approximately perpendicular to the beach. When launching or returning as described above, the jet-ski shall be operated as slowly as surf conditions shall permit and in such a manner as to avoid all swimmers or other persons in the water. For the purposes of this chapter, the term jet-ski shall include wave riders and any other similar vehicles by whatever name. Emergency vessels operating under official guidelines are exempt from this ordinance.

(D) Sailboats, sail boards, kite surfing boards and like devices. It shall be unlawful to operate any jet-ski in the water of the Atlantic Ocean within 100 yards of the point where the Atlantic Ocean adjoins the public beach during the period from May 1 up to and including Labor Day of any year, except that such devices may be launched from and returned to the beach on a course approximately perpendicular to the beach. When launching or returning as described above, such devices shall be operated as slowly as surf conditions shall permit and in such a manner as to avoid all swimmers or other persons in the water.

(E) No person shall operate any motorboat, jet-ski or other vessel or manipulate any skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person.

(F) No person shall operate any motorboat, jet-ski or other vessel or manipulate any skis, surfboard or similar device when intoxicated or under the influence of any narcotic drug, barbiturate or marijuana.

(G) No person shall engage in any aquatic activity or activities on the beach or public access while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana, nor shall any person engage in reckless behavior or negligent manner so as to endanger the life, limb or property of any person while in the water, on the beach or on the public access.

Sec. 16-28. - Use of rental tricycles.

Use of rental tricycles or similar type vehicles will be prohibited on the beach from the hours of 9:00 a.m. to 5:00 p.m. from June 1 to October 1.

Sec. 16-29. - Driving on beach prohibited.

Motor-driven vehicles, including golf carts, are prohibited from driving on the beach at all times. Police and emergency vehicles are the exception.

Sec. 16-30. - Surf fishing restricted.

- (A) It shall be unlawful for any person involved in attempting to catch or take any shark or other marine animals that may endanger the public from any beach, shore or coastal waters where one may fish. Any person(s) who baits, fish for, or

- otherwise attract sharks or other marine animals that may endanger the public within one (1) mile of the beach or any coastal waters are in violation of this ordinance. All fishermen shall release at time of recognition any and all fish or other similar type animals that may pose any danger to any beach goers, sunbathers, swimmers or any other person where the fish or animal is caught.**
- (B) ~~No person shall surf fish in a manner that endangers swimmers, surfers and other persons in the water.~~ **Any person(s) who surf fishes from the beach at any time of year, shall not fish in a manner that presents an unsafe condition to any beach goers, sun bathers, swimmers, or any other person and shall keep a safe distance from them. Any person who surf fishes must obtain a valid South Carolina issued Saltwater Fishing License in accordance with South Carolina State law.**
- (C) Surf fishing will not be permitted within 200 feet of the cabana beach-access stairs at any time. A marker will be installed showing the distance of 200 feet on both sides of the stairs.
- (D) **Local government jurisdiction extends to one (1) mile into the Atlantic Ocean and includes all beaches and swashes.**
- (E) **It shall be unlawful for any person to engage in commercial fishing on any public beach.**

Exception

Town Council may issue a special permit allowing the temporary suspension of this ordinance with the consent of council for each occurrence, or by methodology establish by such council for such occurrences.

Sec. 16-31. - Discharge of weapons on beach.

The discharge, or cause to be discharged, by any person of any firearm of any kind or nature, air rifle, pellet gun, sling shot or any similar device on the beach or its access is prohibited.

Sec. 16-32. - Maximum swimming distance.

No person shall be in the ocean waters a distance of more than 50 yards (150 feet) from the point where the ocean adjoins the Strand.

- (A) **Those persons who shall be duly appointed as deputies or constables, who are police officers of the town, county, or state, their authorized agents, shall have the power and authority to supervise and regulate physical activities and swimming on the beaches, strand and the Atlantic Ocean within the jurisdiction of the municipality, county, or state and in those areas shall have the responsibility to maintain peace and order. The deputies, constables, police officers, State Park Rangers, their authorized agents, shall have the power and authority to recall from the ocean waters and the surf adjoining the waters any person who shall be in the ocean waters a distance of more than 50 yards from the point where the ocean adjoins the public beach, or who shall be more than chest deep when standing flat-footed at any time; or when the person shall be in danger of drowning or becoming imperiled, or may imperil the safety of others, all of which shall be determined in the discretion of**

the deputies, constables, police officers, State Park Rangers, or authorized agents. Further, those personnel shall have authority to recall from the ocean waters and the surf adjoining the water any person who shall be in the ocean waters at any distance at any time when the condition of the wind, water, weather or a hazard, including the physical or mental condition of the person in the ocean waters, shall be such, in the discretion of the those personnel as hereinabove described, as to constitute a danger to the health, life or safety of that person or to other persons within the ocean waters.

(B) Governing councils, public safety officials or their agents may create zones that restrict aquatic activities or beachfront activities in areas that may pose a danger to the health, life or safety of any person due to a hazardous condition, hazardous operation, hazardous weather or hazardous structure whether temporary or permanent. These zones must be marked in such a fashion to be readily identifiable with flags, buoys, signs, or the like.

(C) Any person who shall fail to obey the directions and instructions of the personnel with regard to any of the matters and things above set forth over which they have power and authority, shall be guilty of a misdemeanor, and shall be subject to arrest by law enforcement personnel having jurisdiction and shall be subject to punishment as provided.

Sec. 16-33. - Commercial activities and solicitation on beach.

It shall be unlawful for any person, organization, society, association or corporation, or any agent, member or representative thereof, directly or indirectly:

- (1) To solicit property, business or financial assistance of any kind;
- (2) To distribute free product samples, admission passes or entry tickets;
- (3) To conduct any sales or rental business;
- (4) To sell or offer to sell any article, good publication, subscription; or
- (5) Other thing of value;

in the area defined as the beach or access.

Sec. 16-34. -~~Fireworks prohibited on beach.~~ Destruction of sea oats, beach grass, beach vegetation and sand fencing.

It shall be unlawful for any person to destroy, mutilate, break, move, tear up, carry away or alter in any manner the sea oats, beach grass, other beach vegetation, sand fencing, public access structures, public beach structures, or fixtures occurring naturally or planted or erected by the government or its agencies as part of any beach re-nourishment or preservation. Said conduct shall constitute destruction of public property.

~~It shall be unlawful for any person to use fireworks on the beach or access at any time.~~

Sec. 16-35. - ~~Reserved.~~ Fires Prohibited.

It shall be unlawful for any person to build, start, ignite, or maintain any fire or open flame. The use of any grill, cooker, or heating device is allowed on the beach or access.

Sec. 16-36. - Placing obstructions on beach.

- (a) It shall be unlawful, between the hours of ~~7~~9:00 p.m. and ~~7:30~~ **8:00**a.m. for any person to leave upon, put, place or set any equipment, but not limited to tents, cabanas, dugouts, chairs, umbrellas, windbreakers, surfboards, air floats, life rafts, boats, catamarans, sail boats, canoes, jet skis, volleyball nets or similar paraphernalia, 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 without a permit from the town clerk, approved by the mayor.
- (b) **Shading devices. Shading devices shall not exceed the maximum size of twelve (12) feet by twelve (12) feet or 144 square feet and the maximum height of any shading device shall not exceed nine (9)' feet installed. Shading devices, other than circular umbrellas with a diameter of 7.5' or less, shall not be placed within 10' of any other shading device. All shading devices are prohibited from being tied, bound, joined, or connected in any manner: Excluding umbrellas, all shading devices shall be secured in such fashion to restrict uncontrolled movement of the device and secured with fasteners, stakes, weights, or the like that will not endanger beach patrons. Anchoring lines, tethers, or the like shall not extend beyond the perimeter of the shading device.**
- (c) **Removal or disposal.** Tents, cabanas, fences, dugouts, chairs, umbrellas, windbreakers, surfboards, air floats, life rafts, boats, catamarans, sail boats, canoes, jet skis, volleyball nets or similar paraphernalia, placed or left on the beach in violation of this chapter are subject to immediate removal without prior notice at the owner's or person(s) who left such property on the beach expense.
- (a) ~~Violators are subject to a fine of \$200.00 and/or up to 30 days in jail.~~

Sec. 16. 37. – Glassware Prohibited.

It shall be unlawful for any person to carry or possess any glass, bottle or glassware on the beach or beach access.

Sec. 16-38. Control of hazardous activity.

Any activity on the public beach which may be deemed a hazard to patrons who are walking, sunbathing or swimming can be controlled by the police. No activity shall block the public beach or beach access where a person(s), police or authorized vehicle may not pass. Any person who should fail to obey the directions and instructions of any law enforcement officer with regard to activities or ordinances on the beach and in the ocean shall be guilty of a misdemeanor.

Secs. 16-39—16-56. - Reserved.

2. **Severability**: If a Section, Sub-section, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section, or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.
3. **Conflict with Preceding Ordinances**: If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of the Town of Briarcliffe Acres, then the preceding Section, Sub-section, or part shall be deemed repealed and no longer in effect.
4. **Effective Date**: This Ordinance shall become effective on Second Reading.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this ____ day of _____, 2011.

Mayor

Council:

Attest:

Town Clerk
