

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2019-09

ADOPTED SEPTEMBER 24, 2019

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 32, WATERWAYS AND BEACHES; ARTICLE II, BEACHFRONT MANAGEMENT; DIVISION II, RESTRICTIONS; SECTION 32-44, DOMESTIC HOUSEHOLD ANIMALS/PETS; SO AS TO AMEND THE DATES, TIMES AND LOCATIONS UPON WHICH DOMESTIC HOUSEHOLD ANIMALS/PETS ARE PERMITTED ON BEACHES WITHIN THE TOWN, AND OTHER MATTERS RELATED THERETO

WHEREAS, Section 32-44 of the Town Code for the Town of Seabrook Island (the "Town Code") governs the dates, times and locations upon which pets are permitted on beaches within the Town; and

WHEREAS, on February 26, 2019, the Town received a petition signed by approximately 100 residents (the "Petitioners") requesting that the Town Council consider proposed amendments to the Town Code so as to amend the dates, times and locations upon which pets may be allowed "off-leash" on beaches within the Town; and

WHEREAS, over a period of six months, the Town Council carefully considered relevant information from a variety of sources, including the Petitioners, U.S. Fish and Wildlife Service, Seabrook Island Birders Group, Seabrook Island Turtle Patrol, Seabrook Island Beach Patrol, Seabrook Island Dog Owners Group, Coastal Science and Engineering (the Town's Beach Management consultant), St. Christopher Camp and Conference Center, and residents of the Town; and

WHEREAS, the regulation of pets and other animals on the beach is a necessary and legitimate exercise of the Town's police powers to protect natural resources and habitats, and to ensure that property owners and guests, including small children, utilizing the beach for recreational and educational purposes are safe and not threatened by free-roaming pets and other animals; and

WHEREAS, the Town Council is authorized to amend Section 32-44, pursuant to Section 1-9 ("Amendments to Code") of the Town Code; and

WHEREAS, the Town Council believes the proposed amendments will enhance protection of critical areas for migratory shorebirds and other wildlife, provide pet owners and their pets with greater access to off-leash areas, provide beachgoers with a larger pet-free swimming area, and simplify the Town's general requirements relating to pets on the beach; and

WHEREAS, a public hearing on the proposed amendments was advertised and held on Tuesday, September 17, 2019, with public comments duly noted; and

WHEREAS, the Town Council has thoroughly considered this matter and believes the proposed amendments to the Town Code are in the best interest of the Town;

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 I. Amending Section 32-44 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 32-44, Domestic Household Animals/Pets; is hereby amended to read as follows:

Section 32-44 – Beach rules for Domestic Household Animals / Pets

- (1) General requirements for domestic household animals / pets.

Domestic household animals / pets shall not be allowed on any beach within the municipal limits of the Town except as provided for herein.

- (a) Restricted Area. A restricted area is hereby established beginning at a line extending from Boardwalk #1 to the Atlantic Ocean and continuing in a northeasterly direction to Captain Sams Inlet. No person shall bring or otherwise allow any domestic household animal / pet into the restricted area at any time, whether on a leash or off of a leash.
- (b) Limited Restriction Area. A limited restriction area is hereby established beginning approximately 300 yards northwest of a line extending from Boardwalk #9 (Pelican Watch Boardwalk) to the Edisto River and continuing in a northwesterly direction to Privateer Creek. No person shall bring or otherwise allow any domestic household animal / pet into the limited restriction area that is not on a leash at all times.
- (c) General Beach Area. In all other areas of the beach other than the restricted area and the limited restriction area described above, the following requirements shall apply:
- (i) Peak Season: From April 1 to September 30, no person shall bring or allow any domestic household animal / pet into the general beach area between the hours of 10:00 am to 5:00 pm that is not on leash at all times. No person shall bring or allow any domestic household animal / pet into the general beach area from 5:01 pm to 9:59 am that is not on a leash or, if not on a leash, is not effectively controlled while on the beach.
- (ii) Non-peak season: From October 1 to March 31, no person shall bring any domestic household animal / pet on the beach that is not on a leash or, if not on a leash, is not effectively controlled while on the beach.
- (d) Definitions
- (i) For purposes of this ordinance the term “effectively controlled” shall mean that the behavior of a domestic household animal / pet is restrained by a competent person from: (A) entering any area on or adjacent to the beach in which a domestic household animal / pet is prohibited; (B) destroying or damaging any property; (C) attacking or threatening

to attack any person or any other domestic household animal / pet in any manner; or (D) being a nuisance to other beach goers.

- (ii) For purposes of this ordinance, the term “nuisance” shall mean causing annoyance, inconvenience or discomfort to the public health, safety and welfare.
 - (iii) For purposes of this ordinance the term “competent person” shall mean 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.
 - (iv) For purposes of this ordinance, the term “on a leash” shall mean that 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.
 - (v) For purposes of this ordinance, the term “off a leash” shall mean that the domestic household animal / pet is not on a leash as defined herein. Domestic household animals / pets under voice control or under control of remotely operated devices such as electronic collars shall be considered to be "off of a leash.
- (e) No later than one year from the effective date of this ordinance, council shall review the terms of this ordinance, and determine whether it has worked effectively and achieved the objective of balancing the interests of all users of the beach. Following such review, council shall amend this ordinance, if and to the extent, it deems necessary.

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 thirty (30) days from the date of its adoption.

SIGNED AND SEALED this 24th day of September, 2019, having been duly adopted by the Town Council for the Town of Seabrook Island on the 26th day of September, 2019.

First Reading: September 17, 2019
Public Hearing: September 17, 2019
Second Reading: September 24, 2019

TOWN OF SEABROOK ISLAND



Ronald J. Ciancio, Mayor

ATTEST



Faye Allbritton, Town Clerk

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Exhibit A

Beach Rules for Pets Map

Beach Rules for Pets

Restricted Area

NO PETS ALLOWED

Limited Restriction Area

Pets must be on a leash at all times

General Beach Area

Peak Season (April 1 – September 30)
10:00 am to 5:00 pm: Pets must be on a leash
5:01 pm to 9:59 am: Pets may be off-leash

Off-Peak Season (October 1 – March 31)
Pets may be off-leash 24/7

