

SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING

Civic Center, 89 Pine Drive, Surfside Beach, SC 29575

www.surfsidebeach.org - ? (843) 913-6111 ? (843) 238-5432

TOWN COUNCIL MEETING AGENDA  
Wednesday, June 29, 2022, ? 6:30 PM.

Please join the meeting from your computer, tablet, or smartphone.

<https://meet.goto.com/303687805>

You can also dial in using your phone.

United States (Toll Free): 1 877 309 2073

United States: +1 (571) 317-3129

Access Code: 303-687-805

1. Agenda

Documents:

[10-11-2021-AGENDA.PDF](#)

2. Meeting Materials

Documents:

[9-28-2021-MINUTES.PDF](#)

[CHAPTER-14-FLOOD-DAMAGE-PREVENTION-09-10-2021-CINDY-KEATING-JA-EDITS-9-27-2021-CBC-FOR-TC.PDF](#)

[CHP-4---AGENDA-XXX.PDF](#)

[FIRE-JULY-1-TO-SEPTEMBER-30-2021.PDF](#)

[PUBLIC-LAND-FINAL-AGENDA-XXX.PDF](#)

[WORKPLACE-SAFETY-10-2021.PDF](#)

This agenda is published pursuant to the Freedom of Information Act Section 30-4-80(A) and (E).  
The public is invited to attend all meetings and events.



**SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING Civic Center, 115 US Highway  
17 North, Surfside Beach, SC 29575 [www.surfsidebeach.org](http://www.surfsidebeach.org) - ☎ (843) 913-6111  
📞 (843) 238-5432**

**TOWN COUNCIL MEETING AGENDA  
Monday, October 11, 2021, • 6:30 PM.**

Please join the meeting from your computer, tablet or smartphone.  
<https://global.gotomeeting.com/join/641142493>

You can also dial in using your phone.  
United States (Toll-Free): [1 866 899 4679](tel:18668994679)  
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Access Code: 641-142-493

**1. CALL TO ORDER**

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

- a. Invocation: Okey Landers
- b. Pledge of Allegiance: Mayor Hellyer

**3. PUBLIC HEARING - None**

**4. MOTIONS RELATING TO AGENDA**

**5. MINUTES APPROVAL [September 28, 2021, Regular Meeting](#)**

**6. PUBLIC COMMENTS – Agenda Items Only (5 minutes per speaker)**

**7. COMMUNICATIONS**

- a. **FIRE DEPARTMENT MONTHLY REPORT – Chief Clemons**

**8. BUSINESS**

- a. **FIRST READING –ORDINANCE 21-0938 - CHAPTER 4 –AN ORDINANCE TO AMEND CHAPTER 4, BUSINESS LICENSES AND PERMITS.**
- b. **FIRST READING BY TITLE ONLY- ORDINANCE 21-0942 - AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO REZONE PARCELS OF LAND FROM THEIR CURRENT ZONING TO PUBLIC LAND.**
- c. **FIRST READING – ORDINANCE 21-0937 – CHAPTER 14 AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO UPDATE THE FLOOD DAMAGE PREVENTION AND ADOPT NEW FLOOD INSURANCE RATE MAPS. Carol Coleman**
- d. **RESOLUTION 21-0141 – WORKPLACE SAFETY – Mayor Hellyer**

**9. PUBLIC COMMENTS – Town Services or Business Conducted (5 minutes per speaker)**

**10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS**

**11. ADJOURNMENT**

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## **TOWN COUNCIL MEETING MINUTES TUESDAY, September 28, 2021, • 6:30 PM.**

- 1. CALL TO ORDER** - Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Councilmembers Drake, Holder, Keating, Pellegrino, and Mayor Pro Tempore Scoles were in attendance. Others present were Town Administrator Shanahan, Town Attorney Crosby and Town Clerk Sheri Medina. Absent was Councilmember Dietrich.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE**
  - a. Invocation:** Tom Cox of Surfside Christian Church performed the invocation.
  - b. Pledge of Allegiance:** Mayor Hellyer led in the Pledge of Allegiance.
- 3. PUBLIC HEARING - None**
- 4. MOTIONS RELATING TO AGENDA – None**
- 5. MINUTES APPROVAL September 14, 2021, Regular Meeting.** Councilmember Scoles made a motion to approve the minutes for September 14, 2021, as presented. Councilmember Holder second. All voted in favor. **Motion Carried.**
- 6. PUBLIC COMMENTS**
  - a. Benton Blakely,** 414 North Ocean Blvd., stated he has wanted to build an addition onto his home for some time. However, now the Flood Maps Ordinance as currently written, it has prevented him from building. He encouraged council to pass the new flood map to alleviate the restrictions on his project.
- 7. COMMUNICATIONS**
  - a. PUBLIC WORKS MONTHLY REPORT –** Director Adair gave the Public Works monthly report.
  - b. FINANCE REPORT -**Mr. Shanahan gave the Finance report.
  - c. DISCUSSION – UPDATE ON NEW TOWN HALL PROPERTY.** Mr. Shanahan spoke about the progress of the new town hall, from the Purchase date of August 16, 2021, to date. Wire and cables have all been installed. The fire system and security system are to be installed in October. The projected move for the employees is the end of October. Administrative services provided by the town will reduce October 26, 27th, and 28th due to the move. All off our emergency services will still be available. The rezoning of the property from Commercial to Public Land is in process and should be completed in time for the move. The employees have been offered to work from home, and a couple is taking advantage of it.
- 8. BUSINESS**
  - a. 1<sup>ST</sup> READING ORDINANCE #21-0933, CHAPTER 17, ARTICLE VII LANDSCAPING AND TREE PROTECTION, DIVISION 2 TREE PROTECTION.**

Councilmember Pellegrino made a motion to adopt Ordinance 21- 0933 Councilmember Holder second.

Ms. Carol Coleman from the Waccamaw Council of Governments stated that the Planning Commission discussed the tree ordinance at their last meeting. A lot of information, past ordinances, minutes, and three ordinances from other areas were reviewed. The Planning Commission concluded that the ordinance from 2017 had the best language. This language in this ordinance is to encourage the property owners to keep existing trees, not necessarily to have to add trees to their property. Some of the languages was cleaned upped.

There's language in there now that says trees are to stay unless they get approval from the Board of Zoning Appeals because one of the complaints was trees are required to be planted for new construction to obtain a certificate of occupancy; then, miraculously, these trees disappear over the next few weeks after C/O was given. They also recommend adding a tree mitigation fund. Right now, the language for funds that are acquired due to penalties goes into the general fund. If a mitigation fund is created, this will give the town the ability to plant more trees.

Mayor Hellyer asked if the Stormwater Committee was included in the discussion of this ordinance, and if not, there should be some discussion to get their input.

Ms. Coleman stated we could do that before the second reading. More so, I don't think some understand the hundreds of gallons of water that trees take. The more you cut down, the more flooding we will have, which is why saving the large trees is essential.

Councilmember Keating stated I don't think we're taking a critical eye to language in evaluating what is causing problems for our residents. Why do they want to circumvent the ordinance and cut trees every Saturday? This ordinance is already in place, and it is already part of our rules. So, it is not as if we cannot do enforcement currently. I would recommend that this be tabled again until we can do a complete critical evaluation, use the arborist, use some of the floodplain management resources who are also looking at Chapter 14, which is flood protection and stormwater policies.

Councilmember Pellegrino stated I think we need to make a decision. In parts of town, there are no trees near Ocean Blvd. Then you move more into the center of town, and there are a lot of trees. It's beautiful. I don't think we need to re-create the wheel. This Ordinance has much better wording than the current. So, it's a choice; I think we should. This is much better wording. It will stop the problems we have going on right now, giving our staff a tool to enforce it properly. We'll be able to keep all our beautiful trees, and it will help with stormwater, whether people agree with that or not.

Mayor Hellyer stated he would vote for the first reading contingent that it gets reviewed by the Stormwater Committee and an Arborist reviews the Ordinance.

Councilmembers Scoles, Holder, Pellegrino, and Mayor Hellyer (conditionally) voted in favor. Councilmembers Keating and Drake voted against. **Motion carried.**

**b. ANNUAL BEST OF THE BEACH BALLS MEATBALL CHALLENGE** – Stephanie, From the Champion Autism Network (CAN) Organization, stated this event raises money for the CAN Organization. Tickets will be sold to allow people to test and vote on the best meatball. The competitors will not be selling anything. What is being requested from the town are tents, tables, chairs, electricity and hanging a banner on Surfside Drive.

Mayor Hellyer stated that since Surfside Beach promotes Autism Awareness, he suggested this be a town-sponsored event.

Councilmember Keating stated that if this is a third-party event, again, we need an agreement in place stipulating the scope of responsibilities and insurance to protect the town, stating vendors should have business licenses. It would be handed like any other third-party events we have had, and all should be treated the same. If we make this a town sponsored event, then we need to ensure proper budget is available to support it and recognize the towns insurance would now be utilized.

Councilmember Pellegrino made a motion to make the Best of the Beach Meatball Challenge a town sponsored event. Councilmember Scoles second. All voted in favor. **Motion carried.**

**c. RESOLUTION 21-0141 DESIGNATING AN AUTHORIZED REPRESENTATIVE AND CONTACT PERSON FOR PURPOSES OF THE AMERICAN RESCUE PLAN ACT OF 2021.** - Mr. Shanahan explained this resolution is to designate a representative for the American Rescue Plan Funds. The designees will be Mr. Shanahan and Director King. Mr. Shanahan indicated that the Town would receive approximately \$2.5M over the next two years by participating in this program.

Councilmember Keating clarified that this is part of the federal COVID stimulus program. Any funds received by the town for its participation will have certain restrictions on how they may be used. We would need consider the best use of the funds at the time they are received.

Councilmember Keating made a motion to accept Resolution #21-0141 naming Mr. Shanahan and Director King as the representatives for the American Rescue Plan Act. Councilmember Holder second. All voted in favor. **Motion Carried.**

**9. PUBLIC COMMENTS – Town Services or Business Conducted - None**

**10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS**

**a. Councilmember Scoles** stated thank you to everyone for coming out tonight. Thank you to our departments for their reports. I appreciate it. Also, thank you to Mr. Shanahan for all his hard work in getting our employees out of harm's way. To the candidates, good luck and I welcome anyone to come to speak to me if you have any questions.

**b. Councilmember Holder** stated it's nice to have a short meeting. I want to thank the Police and Fire department for all they do. The event this past weekend had a great turnout, and I look forward to seeing everyone at the event on Saturday. Have a good night.

**c. Councilmember Keating** stated thank you to everyone for coming out. We did have a somewhat short meeting. We're all headed in the right direction. It is getting better and better, understanding initiatives and what we can do to help protect our residents and make it the place everybody wants to be. We are working hard to become more business-friendly and easier to work with. Unfortunately, it doesn't always end up successful at any given time, but we're trying to improve. Please have some patience. Changes are not easy, they are often very messy before you get to the fruits of your labor. We do have the Family Festival coming up on Saturday. Sheri and KSBB Committee members are working hard on the Fall Festival, and we appreciate all their efforts; it should be, yet, again, another successful event. Stay safe and have a good night.

**d. Councilmember Pellegrino** stated Thanks to everyone for coming out tonight. Nice to see everyone here. Thank you to Ms. Coleman for answering all my questions. Good luck to the candidates. Social media gets creative during election time. Some are true, and most are not. Have a good night.

**e. Councilmember Drake** stated, thank you for coming out. Everyone should come out to the Meatball challenge; that's going to be fun. It was good to make it a Town sponsored event due to insurance reasons. Everyone comes out, get something to eat, and has a great time. Have a good night.

**f. Mayor Hellyer** stated we branded our town as being autistic friendly. It only makes sense to make this fundraiser a town-sponsored event, which helps raise money for their cause. The music in the park has been great, and I would invite everyone to come down to the park. Thank you very much for coming, and have a good night.

**11. EXECUTIVE SESSION pursuant to the Freedom of information Act §30-4-70(a)(1), Discussion of employment, appointment, compensation, promotion, discipline, or release of an employee. Act §30-4-70(a)(2), Discussion of negotiations incident to proposed contractual arrangements.**

Councilmember Keating made a motion to enter into executive session at 7:44 pm pursuant to the Freedom of information Act §30-4-70(a)(1), Discussion of employment, appointment, compensation, promotion, discipline, or release of an employee; and §30-4-70(a)(2), Discussion of negotiations incident to proposed contractual arrangements. Councilmember Holder second. All voted in favor. **Motion Carried.**

Councilmember Keating motioned to resume the regular session for Tuesday, September 28, 2021, at 8:19 pm. Councilmember Holder second. All voted in favor. **Motion Carried.**

**12. Council may take action related to matters discussed in Executive Session**

Councilmember Keating stated as there was no action taken in the executive session, I move to re-appoint John Obrien to the Construction Board of Appeals and Dusty McCracken to the Planning Commission. Councilmember Drake second. All voted in favor. **Motion Carried.**

**13. ADJOURNMENT** - Councilmember Keating made a motion to adjourn at 8:30 pm. Councilmember Drake second. All voted in favor. **Motion Carried.**

**Surfside Beach Town Council**

\_\_\_\_\_  
Bob Hellyer, Mayor

\_\_\_\_\_  
Debbie Scoles, Pro Tempore

\_\_\_\_\_  
Bruce H. Dietrich, Town Council

\_\_\_\_\_  
Michael Drake, Town Council

\_\_\_\_\_  
Paul Holder, Town Council

\_\_\_\_\_  
Cindy Keating, Town Council

\_\_\_\_\_  
David Pellegrino, Town Council

Attest: \_\_\_\_\_

Sheri Medina, Town Clerk

Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you, provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-80(A) and (E), the meeting notice and the agenda were distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at [www.surfsidebeach.org](http://www.surfsidebeach.org) and the town's LED marquee.



The objectives of this chapter are to protect human life and health, to help maintain a stable tax base by providing for the sound use and development of Flood prone areas in such a manner as to minimize Flood blight areas, and to ensure that potential home buyers are notified that property is in a Flood area. The provisions of the chapter are intended to minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets and bridges located in the floodplain; and prolonged business interruptions. Also, an important floodplain management objective of this chapter is to minimize expenditures of public money for costly Flood control projects and rescue and relief efforts associated with flooding.

Floodplains are an important asset to the community. They perform vital natural functions such as temporary storage of floodwaters, moderation of peak Flood flows, maintenance of water quality, groundwater recharge, prevention of erosion, habitat for diverse natural wildlife populations, recreational opportunities, and aesthetic quality. These functions are best served if floodplains are kept in their natural state. Wherever possible, the natural characteristics of floodplains and their associated wetlands and water bodies should be preserved and enhanced. Decisions to alter floodplains, especially stream channels, should be the result of careful planning processes that evaluate resource conditions and human needs.

#### **Sec. 14-4. - Lands to which this chapter applies.**

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated December 16, 2021, as published by FEMA with accompanying flood insurance rate maps and other supporting data that are hereby adopted by reference and declared to be a part of this chapter.

Upon annexation, any special flood hazard areas identified by FEMA in its Flood Insurance Study for the unincorporated areas of Horry County, with accompanying map and other data are adopted by reference and declared part of this chapter.

Non-residential and residential Structures must be constructed so that the Lowest Floor is located no lower than the Base Flood Elevation plus three (3) feet. No environmentally conditioned space shall be allowed below the Lowest Floor. Floodproofing of commercial Structures shall not be permitted within the Town without a variance approval. Floodproofing residential Structures shall be prohibited.

This chapter shall also apply to areas outside of the SFHAs as prescribed in section 14-19.

#### **Sec. 14-5. - Establishment of development permit.**

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

#### **Sec. 14-6. - Compliance.**

No Structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

#### **Sec. 14-7. - Interpretation.**

In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the Town, and deemed neither to limit nor repeal any other powers granted under state law. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **Sec. 14-8. - Partial invalidity and severability.**

If any part of this chapter is declared invalid, the remainder of the chapter shall not be affected and shall remain in force.

#### **Sec. 14-9. - Warning and disclaimer of liability.**

The degree of Flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger Floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not



imply that land areas outside the SFHAs or uses permitted within such areas will be free from flooding or Flood damages. This chapter shall not create a liability on the part of the Town or by any officer or employee thereof for any Flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

#### **Sec. 14-10. - Penalties for violation.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy a violation.

#### **Sec. 14-11. - Definition interpretation.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it's most reasonable application.

#### **Sec. 14-12. - Definitions.**

*Accessory Structure (appurtenant structure).* Structures that are located on the same parcel of property as the principal Structure and the use of which is incidental to the use of the principal Structure. Accessory Structures should constitute a minimal investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of Accessory Structures are detached garages, carports, storage sheds, pole barns, hay sheds, and any equipment or other decorative fixtures affixed to the property.

*Accessory Use.* A subordinate use which is incidental to and customary in connection with the principal Structure or use and which is located on the same lot with such principal Structure or use.

*Addition (to an existing Structure).* An extension or increase in the floor area or height of a Structure. Additions to existing Structures shall comply with the requirements for New Construction regardless whether the Addition is a Substantial Improvement or not. Where a firewall or load-bearing wall is provided between the Addition and the existing Structure, the Addition(s) shall be considered a separate Structure and must comply with the standards for New Construction. All decks and porches shall be considered Additions.

*Agricultural Structure.* A Structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Agricultural Structures are not exempt from the provisions of this chapter.

*Appeal.* A request for a review of the local floodplain administrator's interpretation of any provision of this chapter.

*Base Flood or Base Flood Elevation (BFE).* The Flood having a one percent (1%) chance of being equaled or exceeded in any given year.

*Basement.* Any enclosed area of a Structure which is below grade on all sides.

*Coastal High Hazard Area.* A SFHA extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to velocity wave action from storms or seismic sources and designated as VE Zone.

*Coastal A Zone.* Area landward of a VE Zone where the principal source of flooding will be astronomical tides, storm surges or tsunamis, not riverine flooding. During Base Flood conditions, the potential for breaking wave heights between 1.5 feet and 3.0 feet will exist..

*Critical Facilities.* Facilities that are critical to the community's public health and safety, are essential to the orderly functioning of a community; used to store or produce highly volatile, toxic or water-reactive

materials; or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of Critical Facilities include jails, hospitals, schools, fire stations, nursing homes, wastewater treatment facilities, water plants, and gas/oil/propane storage facilities.

*Development.* Any manmade change to improved or unimproved real estate, including, but not limited to, Structures, Additions, improvements, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

*Elevated Building* - a non-Basement Structure built to have the Lowest Floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls parallel to the flow of water.

*Executive Order 11988 (Floodplain Management).* Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified SFHAs, unless there is no practicable alternative.

*[Note – moved for alphabetical order] Existing Construction.* For the purposes of determining rates, Structures for which the Start of Construction commenced before December 17, 1976.

*Existing Manufactured Home Park or Manufactured Home subdivision.* A Manufactured Home Park or subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site-grading or the pouring of concrete pads) is completed before February 5, 1980.

*Flood.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

*Flood Hazard Boundary Map (FHBM).* An official map of a community issued by FEMA, where the boundaries of the areas of flood hazard have been defined as Zone A.

*Flood Insurance Rate Map (FIRM).* An official map of a community, on which FEMA has delineated both the SFHAs and the risk premium zones applicable to the community.

*Flood Insurance Study.* The official report provided by FEMA. The report contains Flood profiles, as well as the FHBM and the water surface elevation of the Base Flood.

*Flood-Resistant Material.* Any building material capable of withstanding direct and prolonged contact (minimum seventy-two (72) hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is not water soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not Flood-Resistant Material. Pressure-treated lumber or naturally decay-resistant lumber are acceptable flooring materials. Sheet-type floor coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not Flood-Resistant Materials. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, dated 8/08, and available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable Flood-Resistant Materials.

*Flood Vent.* A permanent opening in a wall that allows the free passage of water automatically in both directions without human intervention.

*Freeboard.* A factor of safety usually expressed in feet above a Flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to Flood heights greater than the height calculated for a selected size Flood conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

*Functionally Dependent Use.* A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water such as a fishing pier, docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair facilities, or seafood processing facilities. The term does not include long term storage, manufacturing, sales, or service facilities.

*Highest Adjacent Grade.* The highest natural elevation, as certified by a registered land surveyor, engineer or architect, of the ground surface next to the proposed exterior walls of a Structure.

*Historic Structure.* Any Structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places; and
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

Some Structures or districts listed on the state or local inventories may not be "historic" as cited above, but have been included on the inventories because it was believed that the Structures or districts have the potential for meeting the Historic Structure criteria of the DOI. In order for these Structures to meet NFIP Historic Structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the Structure or district meets DOI Historic Structure criteria.

*Increased Cost of Compliance (ICC).* The National Flood Insurance Program (NFIP) shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361 of the National Flood Insurance Act. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a Flood event in which a Structure has been declared substantially or repetitively damaged. Increased Cost of Compliance applies to all new and renewed Flood insurance policies effective on and after June 1, 1997.

*Limited Storage (enclosures).* An area used for storage and intended to be limited to incidental items that can withstand exposure to the elements and have low Flood damage potential. Such an area must be of Flood-Resistant Material or breakaway material, void of utilities except for essential lighting and cannot be temperature controlled. If the area is located below the Base Flood Elevation in an A, AE and A1-A30 zones, it must meet the requirements of subsection 14-18(4)(b) of this chapter. No storage or enclosures shall be permitted below the Base Flood Elevation in a VE and Coastal A zone.

*Lowest Adjacent Grade (LAG).* An elevation of the lowest ground surface that touches any deck support, exterior walls of a Structure or proposed Structure walls.

*Lowest Floor.* The lowest enclosed area (including Basement). Any unfinished or Flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a Basement area, is not considered a Structure's Lowest Floor, provided such an enclosure is not built so as to render the Structure in violation of other provisions of this chapter.

*Manufactured Home.* A Structure, transportable in one (1) or more sections, that is built to HUD standards on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term Manufactured Home does not include a Recreational Vehicle or a South Carolina Building Code Council approved modular home.

*Manufactured Home Park or subdivisions.* A parcel (or contiguous parcels) of land divided into two (2) or more Manufactured Home lots for rent or sale.

*Mean Sea Level.* For the purpose of this chapter, the Nations Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which the Base Flood Elevations shown on a community's FIRMs are shown.

*National Geodetic Vertical Datum (NGVD).* As corrected in 1929, elevation reference points set by National Geodetic Survey based on Mean Sea Level.

*North American Vertical Datum (NAVD) of 1988.* Vertical control, as corrected in 1988, used as the reference datum on FIRMs.

*North American Vertical Datum (NAVD).* Datum point established at Pointe-au-Pere on the St. Lawrence River, Quebec Province, Canada, based on the mass or density of the earth. The datum listed as the reference datum on FIRMs should be used for elevation certificate completion.

*New Construction.* Structure for which the start of the construction commenced on or after February 5, 1980. The term also includes any subsequent improvements to such a Structure.

*Non-conversion agreement.* An agreement signed by the property owner as a condition of a certificate of occupancy. The owner must agree to not alter the Structure at a later date so as to violate the building code or the requirements of this chapter. The Non-conversion agreement shall be binding upon heirs, grantees, successors and assigns of parties hereto and shall constitute a covenant running with the Structure being constructed under said certificate. The Non-conversion agreement shall be recorded in the Horry County Register of Deeds prior to obtaining a certificate of occupancy inspection.

**[Note – moved for alphabetical order.]** *Primary Frontal Dune.* A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the Primary Frontal Dune occurs at the point where there is a distinct change from relatively steep slope to a relatively mild slope.

*Recreational Vehicle.* A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreation, camping, travel, or seasonal use.

*Repetitive Loss.* A Structure covered by a contract for Flood insurance that has incurred Flood-related damages on two (2) occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the Flood damage, on the average, equaled or exceeded twenty-five (25%) of the market value of the Structure at the time of each such Flood event.

*Section 1316 of the National Flood Insurance Act of 1968.* The act provides that no new Flood insurance shall be provided for any property found by FEMA to have been declared by a state or local authority to be in violation of state or local ordinances.

*Stable Natural Vegetation.* The first place on the oceanfront where plants such as sea oats hold sand in place.

*Special Flood Hazard Area (SFHA).* The area that will be inundated by the Flood event having a one percent (1%) chance of being equaled or exceeded in any given year. The one percent (1%) annual chance Flood is also referred to as the Base Flood or 100-year flood. SFHAs are labeled as zone AE, VE, and Coastal A.

*Start of Construction.* For other than New Construction or Substantial Improvements under the Coastal Barrier Resources Act (P.L. 97-348), the date the building permit was issued, provided the actual Start of Construction, repair, reconstruction, rehabilitation, Addition, or improvement was within one hundred eighty (180) days of the permit date. The actual Start of Construction means the first placement of permanent construction of a Structure (including a Manufactured Home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a Manufactured Home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of Accessory Structures, such as garages or sheds not occupied as dwelling units and not part of the main Structure. For Substantial Improvement, the actual Start of the Construction means the first alteration of any wall, ceiling, floor, or

other structural part of the Structure, whether or not that alteration affects the external dimensions of the Structure.

*Structure.* A walled and roofed building or a Manufactured Home, including any gas or liquid storage tank(s) that is principally above ground and any Accessory Structures.

*Substantial Damage.* Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to it's before damaged conditions would equal or exceed forty-eight percent (48%) of the market value of the Structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively. Refer to the definition of Substantial Improvement.

*Substantial Improvement.* Any repair, reconstruction, rehabilitation, Addition, or other improvement of a Structure, the cost of which equals or exceeds forty-eight percent (48%) of the market value of the Structure before the Start of Construction of the improvement. This term includes Structures that have incurred Repetitive Loss or Substantial Damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project of improvement to a Structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions or,
- (2) Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a Historic Structure.

Permits shall be cumulative for a period of five (5) years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether "Substantial Improvement" will occur.

*Substantially Improved Existing Manufactured Home Park or subdivision* - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds forty-eight percent (48%) of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

*Variance.* The grant of relief from a term or terms of this chapter.

*Violation.* The failure of a Structure or other development to be fully compliant with these regulations.

#### **Sec. 14-13. - Designation of local floodplain administrator.**

The building and codes director or their designee is hereby designated as the local floodplain administrator appointed to administer and implement the provisions of this chapter.

#### **Sec. 14-14. - Development permit and certification requirements.**

Application for a Development permit shall be made to the local floodplain administrator on forms furnished by the Town prior to any development activities. The development permit may require, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed Structures; and the location of storage areas, and drainage facilities. Specifically the following information is required:

- (1) A certified survey providing the following information:
  - a. Scale and north orientation arrow;
  - b. Parcel boundaries and the location and names of adjacent streets;
  - c. All watercourses on the parcel;
  - d. All floodplain, AE, VE, or Coastal A-zone that run through the parcel certified by a registered land surveyor or professional engineer with the FIRM number and date the map was enacted;
  - e. Flood boundaries/zones must be certified accurate with latest adopted Flood map information included;

- f. All required buffer or setback lines from shoreline or channel banks;
  - g. All drainage and utility easements;
  - h. All areas to be cleared, cut or graded;
  - i. The location of existing and proposed fences, walls and other Structures;
  - j. The 100-year floodplain contour or a statement certifying that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by FEMA or the floodplain identified pursuant to either section 14-15(9) or section 14-18.
- (2) The survey must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
  - (3) If the permit includes a new Structure or an expansion of an existing Structure the survey must show the footprint of all existing and proposed Structures and Additions.
  - (4) As a condition of receiving a Development permit, a complete stormwater plan with narrative as set forth in Article III - Stormwater Management hereof shall be submitted and approved. This requirement shall apply to all parcels within the Town limits.
  - (5) Where Base Flood Elevation data is provided as set forth in section 14-4 or section 14-15(9), the application for a development permit within the Flood hazard area shall include an elevation certificate showing the elevation (in relation to Mean Sea Level) of the Lowest Floor of all New Construction, Additions and Substantially Improved Structures.
  - (6) Where any watercourse will be altered or relocated as a result of proposed project, the application for a Development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the Flood-carrying capacity of the altered or relocated watercourse; the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
  - (7) An elevation certificate providing floor elevation is required after the Lowest Floor is completed. As soon as possible after completion of the Lowest Floor and before any further vertical construction commences, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the Lowest Floor, as built, in relation to Mean Sea Level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to any additional work being permitted to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop work order for the project.
  - (8) In Coastal High Hazard Areas (VE, or Coastal A zone), documentation from a professional engineer must be acquired stating the slab placed under the Structure is not connected to the foundation.
  - (9) When a Structure is located in zones VE, or Coastal A zone certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that New Construction, Additions or Substantial Improvement meets the criteria in section 14-22(5).
  - (10) Upon completion of the development, a registered professional engineer, land surveyor or architect, whichever professional is appropriate in accordance with state law, shall certify by elevation certificate and any other documentation required that subsection 14-14(7), (8), and (9) is built in accordance with the submitted plans and previous predevelopment certifications.
  - (11) A Non-conversion agreement shall be required on all Structures within the SFHA when the Structure is completed and the owner applies for a certificate of occupancy or a use permit. This is done after the final inspection, when the Town confirms that the Structure meets all building

codes and the requirements of this chapter. The agreement must be recorded in the Horry County Register of Deeds office and a clocked copy must be returned to the Town to be filed with the building and codes department prior to a certificate of occupancy inspection being made. This requirement includes but is not limited to New Construction, Additions, Substantial Improvements and renovations.

- (12) If the proposed project will impact the configuration of a watercourse, or Base Flood Elevation for which a detailed Flood Insurance Study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with FEMA prior to actual construction.

**Sec. 14-15. - Duties and responsibilities of the local floodplain administrator.**

Duties of the local floodplain administrator shall include, but not be limited to:

- (1) *Permit Review.* Review all Development permits to ensure that the requirements of this chapter have been satisfied.
- (2) *Requirements of federal and/or state permits.* Review proposed Development to ensure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
- (3) *Watercourse alterations.*
  - a. Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
  - b. In addition to the notifications required watercourse alterations per section 14-15(3)(a), written reports of maintenance records must be maintained to show that maintenance has been provided within the altered or relocated portion of said watercourse so that the Flood-carrying capacity is maintained. This maintenance must consist of a comprehensive program of periodic inspections, and routine channel clearing and dredging, or other related functions. The reports shall consist of a description of maintenance activities, frequency of performance, and the local official responsible for maintenance performance. Records shall be kept on file for FEMA inspection.
  - c. If the proposed project will modify the configuration of the watercourse, floodway, or base flood elevation for which a detailed flood insurance study has been developed, the applicant shall apply for and must receive approval for a conditional letter of map revision with the Federal Emergency Management Agency prior to the start of construction.

Within sixty (60) days of completion of an alteration of a watercourse, referenced in the certification requirements of section 14-14(6) the applicant shall submit as-built certification, by a registered professional engineer, to FEMA.

- (4) The local floodplain administrator must ensure that a registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsections 14-22(6) and (15) of this chapter.
- (5) *Adjoining floodplains.* Cooperate with neighboring communities with respect to the management of adjoining floodplains and/or Flood-related erosion areas to prevent aggravation of existing hazards.
- (6) Notify adjacent communities prior to permitting substantial commercial developments and large subdivisions to be undertaken in SFHAs and/or area affected by Flood-related erosion hazards.
- (7) Where interpretation is needed as to the exact location of boundaries of the SFHAs (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the local floodplain administrator shall make the necessary interpretation. The

person contesting the location of the boundary shall be given a reasonable opportunity to Appeal the interpretations as provided in this article.

- (8) When Base Flood Elevation data has not been provided in accordance with section 14-4, obtain, review, and reasonably utilize best Base Flood Elevation data available from a federal, state, or other source, including data developed pursuant to section 14-20, in order to administer the provisions of this chapter. Data from preliminary, draft and the final Flood Insurance Studies constitutes best available data from a federal, state, or other source. If an Appeal is pending on the study in accordance with 44 CFR Ch. 1, Parts 67.5 and 67.6, the data does not have to be used.
- (9) When the exact location of boundaries of the SFHAs conflict with the current natural topography information at the site, the site information takes precedence when the Lowest Adjacent Grade is at or above the BFE, and the property owner may apply and be approved for a letter of map amendment (LOMA) by FEMA. A copy of the letter of map amendment issued from FEMA will be maintained by the local floodplain administrator in the permit file.
- (10) *Prevailing Authority* - Where a map boundary showing a SFHA and field elevations disagree, the Base Flood Elevations for Flood protection elevations (as found on an elevation profile, ~~Floodway data table~~, etc.) shall prevail.
- (11) Make on-site inspections of projects in accordance with section 14-16(1).
- (12) Serve notices of violations, issue stop work orders, revoke permits, and take corrective actions in accordance with section 14-16.
- (13) Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.
- (14) *Annexations or detachments*. Notify the South Carolina Department of Natural Resources, Land and Conservation Division, State Coordinator for the National Flood Insurance Program within six (6) months, of any annexations or detachments that include SFHAs. The community must incorporate applicable maps from surrounding jurisdictions into this chapter within ninety (90) days of annexation or detachment.
- (15) *Federally funded development*. The President issued Executive Order 11988, Floodplain Management May 1977. E.O. 11988 directs federal agencies to assert a leadership role in reducing Flood losses and losses to environmental values served by floodplains. Proposed Developments must go through an eight-step review process. Evidence of compliance with the executive order must be submitted as part of the permit review process.
- (16) *Substantial Damage determination*. Perform an assessment of damage from any origin to the Structure to determine if the damage equals or exceeds forty-eight percent (48%) of the market value of the Structure before the damage occurred.
- (17) *Substantial Improvement determinations*. Perform an assessment of permit applications for improvements or repairs to be made to a Structure that equals or exceeds forty-eight percent (48%) of the market value of the Structure before the Start of Construction. Cost of work counted for determining if and when Substantial Improvement to a Structure occurs shall be cumulative for a period of five (5) years. If the improvement project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether Substantial Improvement will occur.

The market values shall be determined by one of the following methods:

- a. The current assessed Structure value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past six (6) months.
- b. One or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual



replacement value of the Structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence.

- c. Real estate purchase contract within six (6) months prior to the date of the application for a permit.

#### **Sec. 14-16. - Administrative procedures.**

- (1) *Inspections of work in progress.* As the work pursuant to a permit progresses, the local floodplain administrator or their designee shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this chapter and the terms of the permit. A minimum of three (3) inspections shall be performed for each permitted development project in the regulated floodplain:

The first inspection is conducted when the site is staked out or otherwise marked and a "construction drawings" elevation certification is provided to the Town. The inspector checks that areas subject to special requirements are clearly marked on the ground.

The second inspection is conducted when the Lowest Floor is built for a Structure or Addition. The builder provides the Town with documentation of the surveyed Lowest Floor elevation ("building under construction" elevation certificate). The inspector checks that:

- a. The foundation or forms for the Structure are correctly located on the site;
- b. Where Structures have enclosures below the Base Flood Elevation (permitted in AE zones only), the location and size of the openings are as specified on the approved plans; and
- c. In Coastal High Hazard Areas (VE, or Coastal A zones), slabs placed under the Structure are not connected to the foundation.

The third inspection is conducted when the project is finished; the "finished construction" elevation certificate is submitted, and before the final inspection. The inspector checks:

- a. The foundation and floor elevation have not been altered since the second inspection;
- b. All areas below the required elevation are constructed with Flood-Resistant Materials and do not exceed the allowed square footage. For those Structures in the VE, and Coastal A Zones, no areas are enclosed below the required elevation;
- c. Where Structures have enclosures below the Base Flood Elevation (permitted in AE zones only), the location and size of the openings are specified on the approved plans and recorded on the elevation certificate.
- d. All electrical, heating, ventilation, plumbing, air conditioning, ductwork, and other equipment is located, elevated, or protected as specified on the approved plans and recorded on the elevation certificate.
- e. There has been no alteration of the ground since the second inspection or the ground has been graded according to the approved plans.

- (2) *Stop work orders.* Whenever a Structure or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the local floodplain administrator or their designee may order the work to immediately be stopped. The stop work order shall be in writing and directed to the person doing the work. Notification of the property owner is also required. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop work order shall constitute a misdemeanor.
- (3) *Revocation of permits.* The local floodplain administrator may revoke and require the return of the Development permit by notifying the permit holder and owner in writing, stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law shall also be revoked.

- (4) *Periodic inspections.* The local floodplain administrator and each member of the inspection department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (5) *Violations to be corrected.* When the local floodplain administrator finds violations of applicable state and local laws, it shall be their duty to notify the owner or occupant of the building of the violation. The owner shall immediately remedy each of the violations of law on the property they own.
- (6) *Actions in event of failure to take corrective action.* If the owner of a Structure or property shall fail to take prompt corrective action, the local floodplain administrator shall give them written notice, by certified or registered mail to the last known address or by personal service, that:
  - a. The Structure or property is in violation of this chapter;
  - b. A hearing will be held before the local floodplain administrator at a designated place and time, not later than ten (10) days after the date of notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - c. Following the hearing, the local floodplain administrator may issue such order to alter, vacate, or demolish the Structure, or to remove fill as appears appropriate.
- (7) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the local floodplain administrator shall find that the Structure or Development is in violation of this chapter, they shall make such an order in writing to the owner, requiring the owner to remedy the violation within such period, not more than sixty (60) days, the local floodplain administrator may prescribe; provided that where the local floodplain administrator finds that there is imminent danger to life or other property, that corrective action be taken in such lesser period that may be feasible.
- (8) *Appeal.* Any owner who has received an order to take corrective action may Appeal the order to the Town's Construction Board of Appeals by giving notice of Appeal in writing to the local floodplain administrator and the Town Clerk within ten (10) days following issuance of the final order. In the absence of an Appeal, the order of the local floodplain administrator shall be final. The Construction Board of Appeals shall hear an Appeal within a reasonable time and may affirm, modify, or revoke the order.
- (9) *Failure to comply with order.* If the owner of a Structure or property fails to comply with an order to take corrective action from which no Appeal has been taken, or fails to comply with an order of the Construction Board of Appeals following an Appeal, they shall be guilty of a misdemeanor and shall be punished in the discretion of the court.
- (10) *Denial of flood insurance under the NFIP.* If a Structure is declared in violation of this chapter and after all other recourses are exhausted to achieve compliance with this chapter then the local floodplain administrator shall notify FEMA to initiate a Section 1316 of the National Flood Insurance Act of 1968 action against the Structure upon the finding that the violator refuses to bring the violation into compliance with this chapter. Once a violation has been remedied the local floodplain administrator shall notify FEMA of the remedy and ask that the Section 1316 action be rescinded.
- (11) The following documents are incorporated by reference and may be used by the local floodplain administrator to provide further guidance and interpretation of this chapter as found on FEMA's website at [www.fema.gov](http://www.fema.gov) :
  - a. FEMA 55 Coastal Construction Manual.
  - b. All FEMA Technical Bulletins.
  - c. All FEMA Floodplain Management Bulletins.
  - d. FEMA 348 Protecting Building Utilities from Flood Damage.
  - e. FEMA 499 Home Builder's Guide to Coastal Construction Technical Fact Sheets.

#### **Sec. 14-17. - Flood hazard reduction standards.**

Development may not occur in the SFHAs where alternative locations exist due to inherent hazards and risks involved. Before a permit is issued, the applicant shall demonstrate that new Structures (and Additions) cannot be located out of the SFHA and that encroachments onto the SHFA are minimized. In all SFHAs, the following provisions are required:

- (1) *Reasonably safe from flooding.* Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- (2) *Anchoring.* All New Construction, Additions and/or Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (3) *Flood Resistant Materials and Equipment* - All New Construction, Additions and Substantial Improvements shall be constructed with Flood-Resistant Materials and utility equipment resistant to Flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from FEMA.
- (4) *Minimize Flood Damage.* All new construction, additions and/or substantial improvements shall be constructed by methods and practices that minimize Flood damages;
- (5) *Utilities.* Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located at least three (3) feet above the required Base Flood Elevation so as to prevent water from entering or accumulating within or on the components during conditions of Flooding. This requirement does not preclude the installation of outdoor faucets for shower heads, hoses, etc., as long as cutoff devices and backflow devices are installed to prevent contamination of the service components and thereby minimize any Flood damages to a Structure and contents;
- (6) *Gas or Liquid Storage Tanks* – All gas containers shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic or hydrostatic loads. Horizontal propane tanks shall install four (4) ground anchors connected across the top of the tank with metal straps. Vertical propane tanks shall be installed with two (2) ground anchors, each anchor placed on opposite sides of the vertical tank. A strap shall be attached from each anchor to the collar secured around the top of the tank. An additional metal strap shall be connected from one anchor to the other through the tank base. Ground anchors, straps, and connecting hardware must be corrosion - resistant.
- (7) Non-commercial developable lots located in the X, X shaded and AE zones shall have an average grade of all adjacent lots. A foundation/current conditions survey shall be provided and approved prior to the foundation being poured or piers being filled, and prior to additional inspections being performed. Adjacent lot grades shall be measured at a minimum of twenty (20) feet into all adjacent lots. This requirement shall not apply to designated Coastal A and VE zones as no fill shall be allowed for structural support in these SFHAs. Only non-compacted fill may be used around the perimeter of a Structure for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the Structure free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. See section 14-22(6) for complete requirements.
- (8) *Water Supply Systems.* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (9) New and replacement sanitary sewer shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters;
- (10) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (11) *Alteration, Repair, Reconstruction, or Improvements.* Any alteration, repair, reconstruction, Addition or improvement to a Structure which is in compliance with the provisions of this

chapter, shall meet the requirements of New Construction as contained in this chapter. This includes post-FIRM Development and Structures.

- (12) *Nonconforming structures or uses.* Nonconforming Structures or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Use of nonconforming ground floor habitable spaces or walls for an Addition of a second floor above the Base Flood Elevation shall not be allowed.
- (13) *Americans with Disabilities Act (ADA).* A Structure must meet the specific standards for floodplain construction outlined in section 14-18, as well as any applicable ADA requirements. The ADA is not justification for issuing a variance or otherwise waiving the requirements of this chapter. Also, the cost of improvements required to meet the ADA provisions shall be included in calculating Substantial Improvement.
- (14) All New Construction, Additions and/or Substantial Improvements shall be designed and sealed by a registered design professional as complying with the requirements of the latest adopted International Building Code or International Residential Code, whichever is applicable.
- (15) Slab construction (including raised slabs) shall be prohibited within all SFHAs.
- (16) Flood proofing or wet-proofing of commercial Structures as a Flood protection measure shall be prohibited without a variance approval. All Structures (including non-residential) shall be required to elevate to the Base Flood Elevation plus three (3) feet. Floodproofing of residential Structures shall be prohibited.
- (17) New septic systems in floodplains are prohibited.
- (18) *Critical facilities.* Critical Facilities as defined in section 14-12 shall be prohibited in the 500-year flood zone. (Note: The 500-year floodplain includes the entire SFHA plus other land that is lower than the 500-year Flood elevation).
- (19) *Hazardous velocities.* Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. Therefore, solid foundation walls shall not be permitted within any SFHA.
- (20) All fences crossing floodplain boundaries are subject to Flood review. The most restrictive zone crossed by the fence will prevail. All fencing material shall be Flood-Resistant Materials.
- (21) There shall be no alteration of sand dunes which would increase potential Flood damage.
- (22) Swimming pools in a SFHA: Pools located within the SFHA shall be built to the following standards:
  - a. Swimming pools must meet all applicable requirements set forth in the zoning ordinance.
  - b. Swimming pools must be sited as far away from the regulatory Flood boundary as feasible.
  - c. No above grade pools are allowed in the VE or Coastal A zone.
  - d. No portion of a swimming pool in the VE or Coastal A zones shall be allowed more than six (6) inches above the adjacent grade.
  - e. Swimming pools beneath a Structure in any SFHA must be flush with the natural grade and must be engineered certifying:
    - i. The swimming pool or other obstruction will not be subject to breaking up or flooding out the ground and affecting the piles or columns of the Structure; and
    - ii. The swimming pool shall meet the same anchoring requirements as the support system of the Structure.
  - f. Enclosures associated with any swimming pool located in the SFHA shall not be permitted in the VE or Coastal A zone.
- (23) Recreational Vehicles shall not be permitted within the SFHA.

- (24) Outdoor storage of any kind shall be prohibited within the SFHA.
- (25) No Basements shall be permitted within the Town limits.

**Sec. 14-18. - Specific standards.**

In all areas of flood hazard (AE zones) where Base Flood Elevation data has been provided, as set forth in section 14-4 the following provisions are required in addition to those set forth in section 14-17 of this chapter:

- (1) *Residential construction.* New Construction, Addition and Substantial Improvement of any residential Structure (including Manufactured Homes) shall have the Lowest Floor elevated not lower than three (3) feet above the Base Flood Elevation. No Basements are permitted.
- (2) *Non-residential construction.*
  - a. New Construction, Addition and Substantial Improvement of any commercial, industrial, or non-residential Structure (including manufactured structures) shall have the Lowest Floor elevated no lower than three (3) feet above the level of the Base Flood Elevation. No Basements are permitted.
  - b. A registered professional engineer or architect shall certify that the standards of this section 14-18(2) are satisfied. Agricultural structures not meeting the criteria of section 14-27 must meet the non-residential construction standards and all other applicable provisions of this chapter.
- (3) *Manufactured homes.*
  - a. No new Manufactured Homes shall be permitted, except in an Existing Manufactured Home Park or subdivision. A replacement Manufactured Home may be placed on a lot in an Existing Manufactured Home Park or subdivision, provided the anchoring and the elevation standards of subsection 14-18(3)(c) are met.
  - b. Manufactured Homes that are placed or Substantially Improved on sites in an Existing Manufactured Home Park or subdivision on which as Manufactured Home has incurred Substantial Damage as a result of a Flood, must be elevated on a permanent foundation such that the Lowest Floor of the Manufactured Home is elevated no lower than three (3) feet above the Base Flood Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and movement.
  - c. Manufactured Homes as permitted in section 14-18(3)(a) shall be anchored to prevent flotation, collapse or lateral movement. For the purpose of this requirement, Manufactured Homes must be anchored to resist flotation, collapse or lateral movement in accordance with section 40-29-10 of the South Carolina Manufactured Housing Board Regulations. Additionally, the chassis must be elevated a minimum of three (3) feet above the Base Flood Elevation the chassis shall be supported by reinforced piers or other foundation elements at least equivalent strength.
  - d. An evacuation plan must be developed for evacuation of all residents of all Substantially Improved or Substantially Damaged Existing Manufactured Home Park or subdivisions located within Flood-prone areas. This plan shall be filed with and approved by the local floodplain administrator and the local Emergency Preparedness Coordinator.
- (4) *Elevated Structures.* New Construction, Addition and/or Substantial Improvements of elevated Structures that include limited enclosures (allowed only in AE flood zones) in an area below the Lowest Floor that are useable solely for parking of vehicles, building access, or Limited Storage Area other than a Basement, and which are subject to flooding shall be designed to preclude finished space and designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - a. Designs for complying with this requirement must be certified by a professional engineer or architect and meet or exceed the following minimum criteria:

1. Provide a minimum of two (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  2. The bottom of all openings shall be no higher than one (1) foot above the higher of the interior or exterior grade immediately under the opening,
  3. Only the portion of openings that are below the Base Flood Elevation (BFE) can be counted towards the required net open area.
  4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
  5. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the Structure on at least one (1) side of the Structure.
- b. Enclosures below Lowest Floor in AE zones:
1. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or Limited Storage Area of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). Total enclosed area shall not exceed two hundred ninety (290) square feet. No other enclosures shall be permitted below the required Base Flood Elevation.
  2. The interior portion of such enclosed area shall not be finished or partitioned or finished into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.
  3. One (1) wet location switch and/or outlet connected to a ground fault circuit interrupt breaker may be installed below the required Lowest Floor elevation specified in subsections 14-18(1), (2) and (3).
  4. All construction materials below the required Lowest Floor elevation specified in subsections 14-18(1), (2), and (3) shall be of Flood-Resistant Materials.
  5. Enclosures of any kind shall be prohibited in the VE and Coastal A zones except for elevators and open stairways.
- c. *Hazardous velocities.* Hydrodynamic pressure must be considered in the design of any foundation system where velocity waters or the potential for debris flow exists. Therefore, solid foundation walls shall not be permitted.
- (5) *Accessory structures.* Any detached Accessory Structure used only for parking of vehicles and Limited Storage Area are permitted at grade if the following criteria is met:
- a. In SFHAs other than Coastal High Hazard Areas (Zone AE), they are not larger than one (1) story and 600 square feet in area. Walls must have openings in compliance with section 14-18(4)a. b. Accessory Structures shall be constructed of Flood-Resistant Material below the Base Flood Elevation and designed to have low Flood damage potential in accordance with Technical Bulletin 2, Flood Damage Resistant Material Requirements;
  - c. Accessory Structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
  - d. Accessory Structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the Structure;
  - e. Service facilities such as electrical, mechanical and utility equipment shall be installed in accordance with subsection 14-17(5);
  - f. Accessory Structures shall comply with Town zoning regulations; and.

- g. Accessory Structures shall be prohibited in the VE and Coastal A zone.

*Exception:* Swimming pools shall be allowed meeting section 14-17(22) of this chapter.

- (6) *Fill.* Fill and raised slab construction is discouraged because Flood storage capacity is removed from floodplains. Elevating Structures by other methods should be utilized. An applicant shall prove through engineering analysis that fill is the only alternative to raising the Structure to at least three (3) feet above the Base Flood Elevation, and that the amount of fill used will not affect the Flood storage capacity or adversely affect adjacent properties. Slabs of any kind, including raised slab foundations, or stem walls shall not be utilized in the SFHA. Piers, pilings, or flow-through crawlspaces shall be utilized. The following provisions shall apply to any fill placed in the SFHA:

- a. Fill may not be placed in tidal or non-tidal wetlands without the required state and federal permits;
- b. Fill must consist of soil and rock materials only. Dredged material may be used as fill only upon certification of suitability by a registered professional geotechnical engineer. Landfills, rubble fills, dumps and sanitary fills are not permitted in the floodplain;
- c. Fill used to support Structures must comply with ASTM Standard D-698, and its suitability to support Structures must be certified by a registered professional engineer for "designed and compacted fill" that meets the criteria of (1) Section 1803.5.8 and Section 1804.5 of the International Building Code, (2) Section 2.4 of ASCE 24, or (3) their equivalent); and must be on fill that has appropriate protection from erosion and scour.
- d. Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion;
- e. The use of fill shall not increase Flooding or cause drainage problems on neighboring properties;
- f. Fill may not be used for Structural support in the Coastal High Hazard Areas (VE).

(7) *Elevators*

- a. Install a float switch system or another system that provides the same level of safety necessary for all elevators where there is a potential for the elevator cab to descend below the BFE during a Flood per FEMA's Technical Bulletin 4 Elevator Installation.
- b. All equipment that may have to be installed below the BFE such as counterweight roller guides, compensation cable and pulleys, and oil buffers for traction elevators and the jack assembly for a hydraulic elevator must be constructed using Flood-Resistant Materials where possible per FEMA's Technical Bulletin 4 Elevator Installation.

- (8) Any unauthorized or construction inconsistent with plans approved by the Town will be required to return the area to original conditions. This requirement includes existing properties.

**Sec. 14-19. - Standards for areas outside of the Special Flood Hazard Area (SFHA).**

Other areas of the Town are subject to periodic inundation of Flood waters due to acts of nature, stormwater drainage and other issues. These properties, although outside of the SFHA, need to be protected. The Town wishes to minimize any potential ~~lost~~ **loss** due to periodic flooding by enforcing certain requirements within the 100-year and 500-year Flood zones. These Flood zones have no Base Flood Elevation data therefore the following requirements are to be enforced on all New Construction and Additions:

- (1) Minimum finished floor elevation.
  - a. All new non-commercial Structures, not located in a SFHA, shall have the Lowest Floor and all mechanical or electrical equipment, such as compressors, air conditioning units, etc., elevated no less than eighteen (18) inches above the Highest Adjacent Grade of the lot. Final site grading shall ensure that ponding of stormwater will not occur beneath the

Structure, or nearer than three (3) feet from the Structure's perimeter or any mechanical or electrical equipment.

- b. All new commercial structures, not located in a SFHA, shall have the Lowest Floor and all mechanical or electrical equipment, such as compressors, air conditioning units, etc., elevated not less than eighteen (18) inches above the centerline of the road. Final site grading shall ensure that ponding of stormwater will not occur beneath the Structure, or nearer than three (3) feet from the Structure's perimeter or any mechanical or electrical equipment.
  - c. Non-commercial developable lots outside of the SFHA shall have an average grade of all adjacent lots. A foundation/current conditions survey shall be provided and approved prior to the foundation being poured or piers being filled prior to additional inspections being performed. Adjacent lot grades shall be measured at a minimum of twenty (20) feet into all adjacent lots.
- (2) Slab on grade foundations shall be prohibited.
  - (3) Enclosed crawl space construction must be designed and certified by a professional engineer to meet the following minimum criteria:
    - a. Provide a minimum of two (2) Flood Vents on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - b. The bottom of all Flood Vents shall be no higher than one (1) foot above the higher of the interior or exterior grade immediately under the opening,
    - c. Flood Vents may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - (4) The installation of outdoor faucets for shower heads, hoses, etc., are permitted as long as cutoff devices and backflow devices are installed to prevent contamination of the service components and thereby minimize any flood damages to a structure and contents;
  - (5) Gas/propane containers shall be adequately anchored to prevent floatation, collapse, or lateral movement. . Horizontal propane tanks shall install four (4) ground anchors connected across the top of the tank with metal straps. Vertical propane tanks shall be installed with two ground anchors, each anchor placed on opposite sides of the vertical tank. A strap shall be attached from each anchor to the collar secured around the top of the tank. An additional metal strap shall be connected from one anchor to the other through the tank base. Ground anchors, straps, and connecting hardware must be corrosion – resistant.

**Sec. 14-20. - Standards for subdivision proposals and other developments.**

All subdivision proposals and other proposed new development shall be consistent with the need to minimize Flood damage and are subject to all applicable standards in these regulations.

- (1) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage. An access road at or above the Base Flood Elevation shall be provided to allow emergency access during Flood conditions.
- (2) All subdivision proposals and other new development shall have adequate drainage provided to reduce exposure to Flood hazards.
- (3) Base Flood Elevation data shall be provided for all subdivision proposals of fifty (50) lots or more than five (5) acres or greater.
- (4) All residential subdivision proposals having fifty (50) lots or more shall be required to provide an approved evacuation plan.



**Sec. 14-21. - Reserved.**

**Sec. 14-22. - Coastal High Hazard Areas (VE and Coastal A zones).**

Located within the SFHA established in section 14-4, are areas designated Coastal High Hazard Areas. These areas have special Flood hazards associated with wave wash. The following provisions shall apply within all such areas in addition to those requirements set forth in section 14-17 of this chapter:

- (1) All New Construction, Addition and Substantial Improvements shall be located landward of the reach of mean high tide, first line of Stable Natural Vegetation and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
- (2) All Structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than three (3) feet above the Base Flood Elevation level, with all space below the lowest supporting member open so as not to impede the flow of water.
- (3) All Structures shall be securely anchored on pilings or columns, extending vertically below a grade of sufficient depth and the zone of potential scour, and securely anchored to the subsoil strata.
- (4) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, lateral movement and scour due to the effect of wind and water loads acting simultaneously on all building components.
- (5) A registered professional engineer shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in sections 14-22(3), (4), (6), (8), (9), (12), (13), (14) and (15) of this chapter.
- (6) There shall be no fill material used as structural support. Non-compacted fill may be used around the perimeter of a Structure for landscaping/aesthetic purposes, provided the fill will wash out from storm surge, thereby rendering the Structure free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Only beach-compatible sand may be used. Parking slabs under Structures shall be designed without grade beams, a maximum of four (4) inches in thickness, designed to break apart during storm surge scouring. The local floodplain administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided analysis by an engineer and/or soil scientist, which demonstrates that the following factors have been fully considered:
  - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
  - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - c. Slope of fill will not cause wave run-up or ramping.
- (7) There shall be no alteration of sand dunes, which would increase potential Flood damage.
- (8) Any alteration, repair, reconstruction, or improvement to a Structure shall not enclose the space below the Lowest Floor.
- (9) No Manufactured Homes shall be permitted.
- (10) Recreational Vehicles shall not be permitted in Coastal High Hazard Areas.
- (11) Accessory Structures shall be prohibited.
- (12) Access stairs attached to or beneath an Elevated Structure must be constructed of Flood Resistant Materials, and must be constructed as open staircases so they do not block flow under the Structure in accordance with section 14-22(2)
- (13) Decks

- a. If the deck is structurally attached to a Structure then the bottom of the lowest horizontal member must be at or above the elevation of the Structures lowest horizontal member.
  - b. If the deck is to be built below the BFE then it must be structurally independent of the main Structure and must not cause an obstruction.
  - c. If an at-grade, structurally independent deck is proposed then a design professional must evaluate the design to determine if it will adversely affect the Structure and nearby Structures.
- (14) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located at a minimum three (3) feet above the lowest horizontal member so as to prevent water from entering or accumulating within the components during conditions of a Base Flood event. This requirement does not preclude the installation of outdoor faucets for showerheads, sinks, hoses, etc., as long as cut-off devices and backflow devices are installed to prevent contamination to the service components and thereby minimize any flood damage to the building.
- (15) Documentation from a professional engineer must be presented to the Town stating the slab placed under the Structure is not connected to the foundation.
- (16) Enclosures of any kind including but not limited to storage, breakaway walls (including non-supporting), open lattice work or insect screening shall be prohibited below the Base Flood Elevation and required Freeboard. Elevators and open stairways shall be permitted provided they meet the minimum requirements of the NFIP.
- (17) Elevators shall be permitted provided they meet the minimum requirements of the NFIP Technical Bulletin 4 / June 2019
- (18) One (1) wet location switch and/or outlet connected to a ground fault circuit interrupt breaker may be installed below the required lowest floor elevation in residential and commercial construction.

## **ARTICLE II. - VARIANCE PROCEDURES <sup>[3]</sup>**

### **Sec. 14-23. - Establishment of appeals board.**

The Construction Board of Appeals as established by the Town shall hear and decide requests for variances from the requirements of this chapter.

### **Sec. 14-24. - Right to appeal.**

Any person aggrieved by the decision of the Construction Board of Appeals or any taxpayer may Appeal such decision to court.

### **Sec. 14-25. - Historic Structures.**

Variances may be issued for the repair or rehabilitation of Historic Structures upon the determination that the proposed repair or rehabilitation will not preclude the Structure's continued designation as a Historic Structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

### **Sec. 14-26 - Functionally Dependent Uses**

Variances may be issued for Development necessary for the conduct of a Functionally Dependent Use, provided the criteria of this chapter is met, no reasonable alternative exist, and the Development is protected by methods that minimize Flood damage and create no additional threat to public safety.

### **Sec. 14-27 - Accessory Structures and Agricultural Structures]**

A variance may be issued for the construction or Substantial Improvement of Accessory Structures and Agricultural Structures provided ~~the~~ that the proposed construction or Substantial Improvement represents a minimal investment and has low Flood damage potential based on an amount of physical damage, contents damage, and loss of function.

#### **Sec. 14-28. - Considerations.**

In passing upon such applications, the Construction Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of the chapter and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage, and the safety of access to the property in times of Flood for ordinary and emergency vehicles;
- (3) The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage to the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development, and the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (9) The costs of providing governmental services during and after Flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges; and
- (10) Agricultural Structures must be located in wide, expansive floodplain areas, where no other alternative location for the Agricultural Structure exists. The applicant must demonstrate that the entire farm acreage, consisting of a contiguous parcel of land on which the Structure is to be located, must be in the SFHA and no other alternative locations for the Structure are available.

#### **Sec. 14-29. - Findings.**

Findings listed above shall be submitted to the Construction Board of Appeals, in writing, and included in the application for a variance. Additionally, comments from the Department of Natural Resources, Land, Water and Conservation Division, State Coordinator's Office, must be taken into account and included in the permit file.

#### **Sec. 14-30. - Conditions.**

Upon consideration of the factors listed above and the purposes of this chapter, the Construction Board of Appeal may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. The following conditions shall apply to all variances:

- (1) Variances may not be issued when the variance will make the Structure in violation of other federal, state, or local laws, regulations or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the Flood hazard, to afford relief.
- (3) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased Flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation and the elevation to which the Structure is to be

built and a written statement that the cost of Flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.

- (5) The local floodplain administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.
- (6) Variances shall not be issued for any Structure or development begun without proper permits that is not in compliance with the provisions of this chapter. Violations shall be corrected in accordance with subsection 14-16(5) of this chapter.

**Sec. 14-31. - Effect on rights and liabilities under the existing flood damage prevention ordinance.**

This chapter in part comes forward by reenactment of some of the provisions of the Flood damage prevention ordinance enacted November 10, 2014, as amended, and it is not the intention to repeal but rather reenact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit, or proceeding instituted or pending. All provisions of the Flood damage prevention ordinance of the Town enacted on November 10, 2014, as amended, which are not reenacted herein, are repealed.

**Sec. 14-32. - Effect upon outstanding building permits.**

Nothing herein contained shall require any change in the plans, construction, size or designated use of any Structure or part thereof for which a building permit has been granted by the Town before the time of passage of this chapter, or any modification thereof; provided, however, that when construction is not begun under such outstanding permit within a period of sixty (60) days subsequent to the passage of this chapter or any modification thereof, construction or use shall be in conformity with the provisions of this chapter.

**Sec. 14-33. - Effective date.**

This chapter shall become effective upon adoption.

**Secs. 14-34—14-45. - Reserved.**



**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 \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**Surfside Beach Town Council**

\_\_\_\_\_  
Bob Hellyer, Mayor

\_\_\_\_\_  
Debbie Scoles, Pro Tempore

\_\_\_\_\_  
Bruce H. Dietrich, Town Council

\_\_\_\_\_  
Michael Drake, Town Council

\_\_\_\_\_  
Paul Holder, Town Council

\_\_\_\_\_  
Cindy Keating, Town Council

\_\_\_\_\_  
David Pellegrino, Town Council

Attest: \_\_\_\_\_  
Sheri Medina, Town Clerk

STATE OF SOUTH CAROLINA ) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH  
COUNTY OF HORRY ) TO AMEND CHAPTER 4, BUSINESS LICENSES, PERMITS  
TOWN OF SURFSIDE BEACH ) AND REGULATIONS, OF THE CODE OF ORDINANCES OF  
 ) THE TOWN OF SURFSIDE BEACH, SOUTH CAROLINA.

**WHEREAS**, Chapter 1, Section 1-12 of the Code of Ordinances of the Town of Surfside Beach, South Carolina ("Surfside Beach Code") allows for the amendment of the Code of Ordinances from time to time; and

**WHEREAS**, pursuant to its authority, the Town Council of the Town of Surfside Beach, in council duly assembled, is authorized to amend the Surfside Beach Code; and

**WHEREAS**, in September 2020 the South Carolina General Assembly adopted the South Carolina Business License Tax Standardization Act (2020 Act No. 176), now codified at S.C. Code Sections 6-1-400 to 6-1-420 (the "Act");

**WHEREAS**, the Act requires all municipalities and counties that impose a business license tax to utilize the Act's standardized business licensing requirements and class schedule;

**WHEREAS**, the Act requires all municipalities and counties to update their business license class schedules every odd year based on the latest available IRS statistics; and

**WHEREAS**, to comply with the requirements of the Act, the Town Council desires to repeal and replace the provisions of its business license ordinance of Article I of Chapter 4; and

**WHEREAS**, the Town Council desires to amend, revise and/or eliminate certain sections of the Surfside Beach Code relating to business license, permits and regulations as set forth in Articles I through IV, and Articles VI through VIII for clarity, and as not otherwise pre-empted by state law, in the best interests of the town; and

**WHEREAS**, the Town Council desires to eliminate Article V in its entirety, and

**WHEREAS**, the Town of Surfside Beach has prepared the attached **Exhibit A** as the revised Chapter 4, Business License, Permits, and Regulations reflecting all replacements, revisions, modifications and eliminations in their entirety, which is incorporated herein by reference; and

**NOW, THEREFORE**, Town Council hereby directs that Chapter 4 of the Town Code of Ordinances of the Town of Surfside Beach, South Carolina, is amended all as set forth in redlined changes in **Exhibit A**, attached and incorporated herein, to be codified in clean form, as amended, specifically:

**1. Article I – IN GENERAL:** The attached Article I, as set forth in **Exhibit A** is hereby adopted and shall become effective beginning with the business license period commencing on May 1, 2022.

All prior ordinances of the Town related to business licensing that are in effect at the time of this enactment are hereby repealed and replaced in their entirety with the attached Article I; provided that any prior ordinances of the Town related to collections programs administered by the Municipal Association of South Carolina, including without limitation the Insurance Tax Collection Program (ITCP), the Brokers Tax Collection Program (BTCP), the Telecommunications Tax Collection Program (TTCP), and Setoff Debt Collection Program, shall remain in full force and effect in accordance with their terms except to the extent specifically amended by Article I.

**2. Article II – PEDDLING AND SOLICITING:** Article II shall be amended per the redlined changes shown in **Exhibit A**.

**3. Article III – CONTRACTING TRADES AND SERVICES:** Article III shall be amended per the redlined changes shown in **Exhibit A**.

**4. Article IV – INSURANCE COMPANIES AND BROKERS:** Article IV shall be amended per the redlined changes shown in **Exhibit A**.

**5. Article V – CABLE TELEVISION OPERATORS:** Article V shall be deleted in its entirety and shown as "Reserved." Note: Cable Communications franchises in the Town of Surfside Beach are subject to the SC Competitive Cable Services Act of 2006, SEC.58-12-300 et. Seq.

**6. Article VI – HOSPITALITY FEE:** Article VI all shall be amended per the redline changes shown in **Exhibit A**.

**7. Article VII – LOCAL ACCOMMODATIONS:** Article VII all shall be amended per the redline changes shown in Exhibit A

**8. Article VIII – RENTAL FEES – DICK M JOHNSON CIVIC CENTER AND FORAL CLUBHOUSE:** Article VIII shall be renamed as "RENTAL FEES FOR TOWN FACILITIES" and shall be amended per the redline changes shown in **Exhibit A**.

**9. SEVERABILITY.** If any provision, clause, sentence, or paragraph of this ordinance or the application thereof shall be held invalid, that invalidity shall not affect the other provisions of the Chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**10. EFFECTIVE DATE.** This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina.

**BE IT SO ORDERED AND ORDAINED** by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly this 26th day of October 2021.

\_\_\_\_\_  
Bob Hellyer, Mayor

\_\_\_\_\_  
Debbie Scoles, Pro Tempore

\_\_\_\_\_  
Bruce H. Dietrich, Town Council

\_\_\_\_\_  
Michael Drake, Town Council

\_\_\_\_\_  
Paul Holder, Town Council

\_\_\_\_\_  
Cindy Keating, Town Council

\_\_\_\_\_  
David Pellegrino, Town Council

Attest:

\_\_\_\_\_  
Sheri Medina, Town Clerk





## Chapter 4 - BUSINESS LICENSES, PERMITS AND REGULATIONS

### ARTICLE I. - IN GENERAL

#### Sec. 4-1. - License required.

Every person engaged or intending to engage in any business, calling, occupation, profession or activity engaged in with the object of gain, benefit, or advantage, in whole or in part, within the limits of the Town of Surfside Beach, South Carolina, ("Town") is required to pay an annual license tax for the privilege of doing business and obtain a business license as herein provided.

#### Sec. 4-2. - Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meaning ascribed herein. Defined terms are not capitalized when used in this article unless the context otherwise requires:

*"Business"* means any business, calling, occupation, profession, or activity engaged in with the object of gain, benefit, or advantage, either directly or indirectly, for which a separate Classification (as defined below) exists.

*"Charitable Organization"* means an organization that is determined by the Internal Revenue Service to be exempt from Federal income taxes under 26 U.S.C. Section 501(c)(3), (4), (6), (7), (8), (10) or (19).

*"Charitable Purpose"* means benevolent, philanthropic, patriotic, or eleemosynary purpose that does not result in personal gain to a sponsor, organizer, officer, director, trustee, or person with ultimate control of the organization.

*"Classification"* means that division of businesses by NAICS codes subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by the Council.

*"Council"* means the Town Council of the Town of Surfside Beach.

*"Domicile"* means a principal place from which the trade or business of a Licensee is conducted, directed, or managed. For purposes of this article, a Licensee may be deemed to have more than one Domicile.

*"Gross Income"* means the gross receipts or gross revenue of a Business, received, or accrued, for one (1) calendar or fiscal year collected or to be collected from business done within the Town. If the Licensee has a Domicile within the Town, business done within the Town shall include all gross receipts or revenue received or accrued by such Licensee. If the Licensee does not have a Domicile within the Town, business done within the Town shall include only gross receipts or revenue received or accrued within the Town. In all cases, if the Licensee pays a business license tax to another county or municipality, then the Licensee's Gross Income for the purpose of computing the tax within the Town must be reduced by the amount of revenues or receipts taxed in the other county or municipality and fully reported to the Town. Gross Income for business license tax purposes shall not include taxes collected for a governmental entity, escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in Gross Income. The gross receipts or gross revenues for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other governmental agencies. In calculating Gross Income for certain Businesses, the following rules shall apply:

- (a) Gross Income for agents shall be calculated on gross commissions received or retained, unless otherwise specified. If commissions are divided with other brokers or agents, then only the amount retained by the broker or agent is considered Gross Income.
- (b) Except as specifically required by S.C. Code § 38-7-20, Gross Income for insurance companies shall be calculated on gross premiums written.
- (c) Gross Income for manufacturers of goods or materials with a location in the Town shall be calculated on the lesser of (i) gross revenues or receipts received or accrued from business done at the location, (ii) the amount of income allocated and apportioned to that location by the Business for purposes of the Business's state income tax return, or (iii) the amount of expenses attributable to the location as a cost center of the Business. Licensees reporting Gross Income under this provision shall have the burden to establish the amount and method of calculation by satisfactory records and proof. Manufacturers include those taxpayers reporting a manufacturing principal Business activity code on their federal income tax returns.

*"License Official"* means any person designated to administer this article. Notwithstanding the designation of a primary License Official, the Town may designate one or more alternate License Officials to administer particular types of business licenses, including without limitation for business licenses issued to Businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code.

*"Licensee"* means the Business, the Person applying for the license on behalf of the Business, an agent or legal representative of the Business, a Person who receives any part of the net profit of the Business, or a Person who owns or exercises control of the Business.

*"NAICS"* means the North American Industry Classification System for the United States published under the auspices of the Federal Office of Management and Budget.

*"Person"* means any individual, firm, partnership, limited liability partnership, limited liability company, cooperative nonprofit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a Business in the absence of the principals.

*"Town"* means the Town of Surfside Beach, South Carolina.

#### Sec. 4-3. - Purpose and duration.

The business license required by this article is for the purpose of providing such regulation as may be required by the Businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Except as set forth below for business licenses issued to contractors with respect to specific construction projects, each yearly license shall be issued for twelve-month period of May 1st to April 30th. A business license issued for a construction contract may, at the request of the Licensee, be stated to expire at the completion of the construction project; provided, any such business license may require that the Licensee file, by each April 30th during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the Licensee shall be required to pay a license fee at the then- prevailing rate on the excess amount. The provisions of this article and the rates herein shall remain in effect from year to year unless otherwise amended by the Council.

#### Sec. 4-4. – Business License Tax, Refund.

- (a) The required business license tax shall be paid for each Business subject hereto according to the applicable rate Classification on or before the due date of the 30<sup>th</sup> day of April in each year, except for

those Businesses in Rate Class 8 for which a different due date is specified. Later payment shall be subject to penalties as set forth in Section 4-12 hereof, except that admitted insurance companies may pay before June 1st without penalty

(b) A separate business license shall be required for each place of business and for each Classification of business conducted at one place. If Gross Income cannot be separated for Classifications at one (1) location, the business license tax shall be computed on the combined Gross Income for the Classification requiring the highest rate. The business license tax must be computed based on the Licensee's Gross Income for the calendar year preceding the due date, for the Licensee's twelve-month fiscal year preceding the due date, or on a twelve-month projected income based on the monthly average for a Business in operation for less than one (1) year. The business license tax for a new Business must be computed on the estimated probable Gross Income for the balance of the license year. A business license related to construction contract projects may be issued on a per-project basis, at the option of the taxpayer. No refund shall be made for a Business that is discontinued.

(c) A Licensee that submits a payment greater than the amount owed may request a refund. To be considered, a refund request must be submitted in writing to the Town before the June 1st immediately following the April 30th on which the payment was due and must be supported by adequate documentation supporting the refund request. The Town shall approve or deny the refund request, and if approved shall issue the refund to the Business, within thirty (30) days after receipt of the request.

#### Sec. 4-5. - Registration required.

- (a) The owner, agent, or legal representative of every Business subject to this article, whether listed in the Classification index or not, shall register the Business and make application for a business license on or before the due date of each year; provided, a new Business shall be required to have a business license prior to operation within the Town, and an annexed Business shall be required to have a business license within thirty (30) days of the annexation. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued the corresponding state alcohol, beer, or wine permit or license and will have actual control and management of the Business.
- (b) Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the Licensee and the Business deemed appropriate to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting Gross Income figures.
- (c) The applicant shall certify under oath that the information given in the application is true, that the Gross Income is accurately reported (or estimated for a new business) without any unauthorized deductions, and that all assessments and personal property taxes on Business property due and payable to the Town have been paid.
- (d) The Town shall allow application, reporting, calculation, and payment of business license taxes through the business license tax portal hosted and managed by the South Carolina Revenue and Fiscal Affairs Office, subject to the availability and capability thereof. Any limitations in portal availability or capability do not relieve the applicant or Licensee from existing business license or business license tax obligations.

#### Sec. 4-6. - Deductions, exemptions, and Charitable Organizations.

- (a) No deductions from Gross Income shall be made except income earned outside of the Town on which a license tax is paid by the Business to some other municipality, or a county and fully reported to the Town, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to state or federal law. Properly apportioned income from business in interstate commerce shall be included in the calculation of Gross Income and is not exempted.

The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

- (b) No Person shall be exempt from the requirements of this article by reason of the lack of an established place of Business within the Town, unless exempted by state or federal law. The License Official shall determine the appropriate Classification for each Business in accordance with the latest issue of the NAICS. No Person shall be exempt from this article by reason of the payment of any other tax, unless exempted by state law, and no Person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.
- (c) Wholesalers are exempt from business license taxes unless they maintain warehouses or distribution establishments within the Town. A wholesale transaction involves a sale to an individual who will resell the goods and includes delivery of the goods to the reseller. It does not include a sale of goods to a user or consumer.
- (d) A charitable Organization shall be exempt from the business license tax on its Gross Income unless it is deemed a Business subject to a business license tax on all or part of its Gross Income as provided in this section. A Charitable Organization, or any affiliate of a Charitable Organization, that reports income from for-profit activities or unrelated business income for federal income tax purposes to the Internal Revenue Service shall be deemed a Business subject to a business license tax on the part of its Gross Income from such for-profit activities or unrelated business income.
- (e) A Charitable Organization shall be deemed a Business subject to a business license tax on its total Gross Income if (1) any net proceeds of operation, after necessary expenses of operation, inure to the benefit of any individual or any entity that is not itself a Charitable Organization as defined in this article, or (2) any net proceeds of operation, after necessary expenses of operation, are used for a purpose other than a Charitable Purpose as defined in this article. Excess benefits or compensation in any form beyond fair market value to a sponsor, organizer, officer, director, trustee, or Person with ultimate control of the organization shall not be deemed a necessary expense of operation.

Sec. 4-7. - False application unlawful.

It shall be unlawful for any Person subject to the provisions of this article to make a false application for a business license, or to give or file, or direct the giving or filing of any false information with respect to the license or tax required by this article.

Sec. 4-8. - Display and transfer.

- (a) All Persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the Business establishment at the address shown on the license. A transient, or nonresident Business shall carry the license upon their person or in a vehicle used in the Business readily available for inspection by any authorized agent of the Town.
- (b) A change of address must be reported to the License Official within ten (10) days after removal of the Business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the Licensee to prosecution for doing Business without a license. A business license shall not be transferable, and a transfer of controlling interest shall be considered a termination of the old Business and the establishment of a new Business requiring a new business license, based on old Business Gross Income.

Sec. 4-9. - Administration of ordinance.

The License Official shall administer the provisions of this article, collect business license taxes, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or suspension and revocation procedures, report violations to the municipal attorney, assist in prosecution of violator, produce forms, undertake reasonable procedures relating to the administration of this article, and perform such other duties as may be duly assigned.

Sec. 4-10. - Inspection and audits.

- (a) For the purpose of enforcing the provisions of this article the License Official or other authorized agent of the Town is empowered to enter upon the premises of any Person subject to this article to make inspections and to examine and audit books and records. It shall be unlawful for any such Person to fail or refuse to make available the necessary books and records. In the event an audit or inspection reveals that the Licensee has filed false information, the costs of the audit shall be added to the correct business license tax and late penalties in addition to other penalties provided herein. Each day of failure to pay the proper amount of business license tax shall constitute a separate offense.
- (b) The License Official shall have the authority to make inspections and conduct audits of Businesses to ensure compliance with the article. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of business license taxes paid or the reported Gross Income of any Person by name without written permission of the Licensee, except as authorized by this article, state or federal law, or proper judicial order. Statistics compiled by Classifications are public records.

Sec. 4-11. - Assessments, payment under protest, appeal.

- (a) Assessments, payment under protest, and appeals of assessment shall be allowed and conducted by the Town pursuant to the provisions of S.C. Code §6-1-4-40, as amended. In preparing an assessment, the License Official may examine such records of the Business or any other available records as may be appropriate and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a business license tax and penalties as provided herein.
- (b) The License Official shall establish a uniform local procedure consistent with S.C. Code § 6-1-410 for hearing an application for adjustment of assessment and issuing a notice of final assessment; provided that for particular types of business licenses, including without limitation for business licenses issued to Businesses subject to business license taxes under Article 20, Chapter 9, Title 58, and Chapters 7 and 45, Title 38, of the South Carolina Code, the Town, by separate ordinance, may establish a different procedure and may delegate one or more rights, duties, and functions hereunder to the Municipal Association of South Carolina.

Sec. 4-12. - Delinquent license taxes, partial payment, failure to obtain a license, enforcement.

- (a) For nonpayment of all or any part of the correct business license tax, the License Official shall impose and collect a late penalty of five percent (5%) of the unpaid tax for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any business license tax shall remain unpaid for sixty (60) days after its due date, the License Official shall report it to the municipal attorney for appropriate legal action.
- (b) Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

- (c) Unpaid license taxes, penalties and costs chargeable to a delinquent license payer shall constitute a lien against the property of the delinquent license payer, shall be recorded as such in the public records of Horry County, and may enforced through foreclosure.
- (d) The License Official shall levy and collect an additional five percent (5%) penalty or twenty-five dollars (\$25.00), whichever is greater for Businesses that begin operating within the Town without being properly licensed by the Town.
- (e) The municipal attorney may use the South Carolina Setoff Debt Collection Act, S.C. Code, §12-56—10 et seq. (as amended) as a method to collect unpaid license taxes, penalties, and costs chargeable to a delinquent license payer, and the Town shall in such case be a claimant agency as that statute defines the same.

Sec. 4-13. - Notices.

The License Official may, but shall not be required to, mail written notices that business license taxes are due. If notices are not mailed, there shall be published a notice of the due date in a newspaper of general circulation within the Town three (3) times prior to the due date in each year. Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax due or grounds for waiver of penalties.

Sec. 4-14. - Denial of license.

The License Official shall deny a license to an applicant when the License Official determines:

- (a) The application is incomplete or contains a misrepresentation, false or misleading statement, or evasion or suppression of a material fact; or
- (b) The activity for which the license is sought is unlawful or constitutes a public nuisance *per se* or *per accidens*; or
- (c) The applicant, Licensee, prior Licensee, or the Person in control of the Business has been convicted within the previous ten (10) years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a Business or a subject of a Business, or an unlawful sale of merchandise or prohibited goods; or
- (d) The applicant, Licensee, prior Licensee, or the Person in control of the Business has engaged in an unlawful activity or nuisance related to the Business or to a similar Business in the Town or in another jurisdiction; or
- (e) The applicant, Licensee, prior Licensee, or the Person in control of the Business is delinquent in the payment to the Town of any tax or fee; or
- (f) A Licensee has actual knowledge or notice, or based on the circumstances reasonably should have knowledge or notice, that any Person or employee of the Licensee has committed a crime of moral turpitude on the Business premises, or has permitted any Person or employee of the Licensee to engage in the unlawful sale of merchandise or prohibited goods on the Business premises and has not taken remedial measures necessary to correct such activity; or
- (g) The license for the Business or for a similar Business of the Licensee in the Town or another jurisdiction has been denied, suspended, or revoked in the previous license year.

A decision of the License Official shall be subject to appeal as herein provided. Denial shall be written with reasons stated.

Sec. 4-15. - Suspension or revocation of license.

When the License Official determines that:

- (a) A License has been mistakenly or improperly issued or issued contrary to law; or
- (b) A Licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this article; or
- (c) A Licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the license application; or
- (d) A Licensee has been convicted within the previous ten (10) years of an offense under a law or ordinance regulating business, a crime involving dishonest conduct or moral turpitude related to a Business or a subject of a Business, or an unlawful sale of merchandise or prohibited goods; or
- (e) A Licensee has engaged in an unlawful activity or nuisance related to the Business; or
- (f) A Licensee delinquent in the payment to the Town of any tax or fee; then

The License Official shall give written notice to the Licensee or the Person in control of the Business within the Town by personal service or mail that the license is suspended pending a single hearing before Council or its designee for the purpose of determining whether the suspension should be upheld, and the license should be revoked.

The written notice of suspension and proposed revocation shall state the time and place at which the hearing is to be held and shall contain a brief statement of the reasons for the suspension and proposed revocation and a copy of the applicable provisions of this article.

Sec. 4-16. - Appeals to town council.

- (a) Except with respect to appeals of assessments under Section 4-11 hereof, which are governed by S.C. Code § 6-1-410, any Person aggrieved by a determination, denial, or suspension and proposed revocation of a business license by the License Official may appeal the decision to the Council or its designee by written request stating the reasons for appeal, filed with the License Official within ten (10) days after service by mail; or personal service of the notice of determination, denial or suspension and proposed revocation.
- (b) A hearing on an appeal from a license denial or other determination of the License Official and a hearing on a suspension and proposed revocation shall be held by the Council or its designee within ten (10) business days after receipt of a request for appeal or service of notice of suspension and proposed revocation. The hearing shall be held upon written notice at a regular or special meeting of the Council, or if by designee of the Council, at a hearing to be scheduled by the designee. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Council or its designee shall govern the hearing. Following the hearing, the Council by majority vote of members present, or designee of Council if the hearing is held by the designee, shall render a written decision based on findings of fact and conclusions on application of the standards herein. The written decision shall be served, by personal service or by mail, upon all parties or their representatives and shall constitute the final decision of the Town.



- (c) Timely appeal of a decision of Council or its designee does not effectuate a stay of that decision. The decision of the Council or its designee shall be binding and enforceable unless overturned by an applicable appellate court after a due and timely appeal.
- (d) For business licenses issued to businesses subject to business license taxes under Article 20, Chapter 9, Title 58 and Chapters 7 and 45, Title 38 of the South Carolina Code, the Town may establish a different procedure by ordinance.

Sec. 4-17. – Consent, franchise or license required for use of streets.

- (a) It shall be unlawful for any Person to construct, install, maintain, or operate in, on, above, or under any street or public place under control of the Town any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a consent agreement or franchise agreement issued by the Council by ordinance that prescribes the term, fees, and conditions for use.
- (b) The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by state law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license taxes unless specifically provided by the franchise or consent agreement.

Sec. 4-18. - Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, no official or employee of the Town may divulge or make known in any manner the amount of income or any financial particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the proper performance of their duties, whether or not those duties relate to enforcement of this article.

Sec. 4-19. - Violations.

Any Person violating any provision of this article shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days, or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided in this article.

Sec. 4-20.1. - Severability.

A determination that any portion of this article is invalid or unenforceable shall not affect the remaining portions. To the extent of any conflict between the provisions of this article and the provisions of the South Carolina Business License Tax Standardization Act, as codified at S.C. Code §§ 6-1-400 et seq., the standardization act shall control.

Sec. 4-20.2. - Classification and rates.

- (a) The business license tax for each Classification of Business subject to this article shall be computed in accordance with the current business license rate schedule, designated as Appendix A to this article, which may be amended from time to time by the Council.
- (b) The current business license class schedule is attached hereto as Appendix B. Hereafter, no later than December 31st of each odd year, the Town shall adopt, by ordinance, the latest standardized business license class schedule as recommended by the Municipal Association of South Carolina and adopted by the Director of the South Carolina Revenue and Fiscal Affairs Office. Upon adoption

by the Town, the revised business license class schedule shall then be appended to this article as a replacement Appendix B.

- (c) The Classifications included in each rate class are listed with NAICS codes, by sector, sub-sector, group, or industry. The business license class schedule (Appendix B) is a tool for classification and not a limitation on Businesses subject to a business license tax. The Classification in the most recent version of the business license class schedule adopted by the Council that most specifically identifies the subject Business shall be applied to the Business. The License Official shall have the authority to make the determination of the Classification most specifically applicable to a subject Business
- (d) A copy of the class schedule and rate schedule shall be filed in the office of the Town Clerk.

**APPENDIX A. - RATE SCHEDULE**

RATE CLASS	INCOME: \$0 — \$2,000	INCOME OVER \$2,000
	MINIMUM TAX	Rate per Thousand or fraction thereof
1	\$ 60.00	\$ 1.07
2	\$ 65.00	\$ 1.27
3	\$ 70.00	\$ 1.47
4	\$ 75.00	\$ 1.67
5	\$ 80.00	\$ 1.87
6	\$ 85.00	\$ 2.07
7	\$ 90.00	\$ 2.27
8.1	\$ 50.00	\$ 1.30
8.51	\$ 70.00 + \$12.50 + \$12.50 per machine	\$ 1.30
8.52	\$180.00 + \$12.5	
8.6	\$ 150.00 +\$5.00 per table	\$2.00
9.1	\$200.00	\$1.30
9.2	\$200.00	\$1.30
9.3	\$40.00	\$0.70
9.41	\$250.00	\$1.20
9.42	\$250.00	\$1.25
9.5	\$310.00	\$1.45
9.6	\$300.00	\$1.45

<b>9.7</b>	<b>\$310.00</b>	<b>\$1.45</b>
<b>9.91</b>	<b>\$60.00</b>	<b>\$1.00</b>
<b>9.92</b>	<b>\$90.00</b>	<b>\$2.27</b>

## NON-RESIDENT RATES

Unless otherwise specifically provided, all minimum taxes and rates shall be doubled for nonresidents and itinerants having no fixed principal place of Business within the Town.

DECLINING LICENSE RATES

Declining rates apply in all classes for Gross Income in excess of one million dollars (\$1,000,000.00), unless otherwise specifically provided for in this article.

Gross Income In \$ Millions	Percent of Class Rate for Each Additional \$1.0 Million
0—1 Million	100%
1—2 Million	90%
2—3 Million	80%
3—4 Million	70%
Over 4 Million	60%

## CLASS 8 RATES

Each NAICS Number designates a separate sub-Classification. The Businesses in this section are treated as separate and individual subclasses due to provisions of state law, regulatory requirements, service burdens, tax equalization considerations, etc., which are deemed to be sufficient to require individually determined rates. In accordance with state law, the Town also may provide for reasonable sub-classifications for rates, described by an NAICS sector, subsector, or industry, that are based on particularized considerations as needed for economic stimulus or for the enhanced or disproportionate demands on municipal services or infrastructure. Non-resident rates do not apply except where indicated.

### **8.1 NAICS 230000 - Contractors, Construction, All Types (Non-resident rates apply)**

Resident rates, for contractors having permanent place of Business within the Town

Minimum on first \$2,000 ..... \$50.00 PLUS

Each additional \$1,000 ..... \$1.30

Non-resident rates apply to contractors that do not have a permanent place of Business within the Town. A trailer at the construction site or structure in which the contractor temporarily resides is not a permanent place of Business under this article.

No contractor shall be issued a business license until all state and municipal qualification examination and trade license requirements have been met. Each contractor shall post a sign in plain view on each job identifying the contractor with the job.

Sub-contractors shall be licensed on the same basis as general or prime contractors for the same job. No deductions shall be made by a general or prime contractor for value of work performed by a sub-contractor.

No contractor shall be issued a business license until all performance and indemnity bonds required by the Building Code have been filed and approved. Zoning permits must be obtained when required by the zoning ordinances.

Each prime contractor shall file with the building department a list of sub-contractors furnishing labor or materials for each project.

For licenses issued on a per-job basis, the total tax for the full amount of the contract shall be paid prior to commencement of work and shall entitle the contractor to complete the job without regard to the normal license expiration date. An amended report shall be filed for each new job and the appropriate additional license fee per \$1,000 of the contract amount shall be paid prior to commencement of new work. Only one base tax shall be paid in a license year. Licensees holding a per-job license shall file, by each April 30th during the continuation of the construction project, a statement of compliance, including but not limited to a revised estimate of the value of the contract. If any revised estimate of the final value of such project exceeds the amount for which the business license was issued, the Licensee shall be required to pay a license fee at the then-prevailing rate on the excess amount.

### **8.2 NAICS 482 - Railroad Companies (See S.C. Code §12-23-210).**

### **8.3 NAICS 517311, 517312 - Telephone Companies:**

With respect to retail telecommunications services, as defined in S.C. Code Section 58-9-2200, the Town participates in a collections program administered by the Municipal Association of South Carolina . The Town has approved participation in the collections program by separate

ordinance (the "Telecommunications Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to retail telecommunications services are set forth in the **Telecommunications Collections Ordinance**.

**8.4 NAICS 5241 and 5242 - Insurance Companies and Brokers** Independent agents and their employees are subject to a business license tax based on their natural class. With respect to insurers subject to license fees and taxes under Chapter 7 of Title 38 and to brokers under Chapter 45 of Title 38, the Town participates in a collections program administered by the Municipal Association of South Carolina. The Town has approved participation in the collections program by separate ordinance (the "Insurers and Brokers Collections Ordinance"). The rates, terms, conditions, dates, penalties, appeals process, and other details of the business license applicable to insurers and brokers are set forth in the **Insurers and Brokers Collections Ordinance**.

**8.51 NAICS 713120 - Amusement Machines, coin operated (except gambling).** Music machines, juke boxes, kiddy rides, video games, pin tables with levers, and other amusement machines with or without free play feature licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(I) and (A)(2) [Type I and Type II].

For operation of all machines (not on Gross Income), pursuant to S.C. Code §12-21-2746:

Per Machine	\$12.50 Plus
Business License	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.51.

**8.52 NAICS 713290 - Amusement Machines, coin operated, non-payout.** Amusement machines of the non-payout type or in-line pin game licensed by SC Department of Revenue pursuant to S.C. Code §12-21-2720(A)(3) [Type III]

For operation of all machines (not on Gross Income), pursuant to S.C. Code §12-21-2720(B):

Per Machine	\$180.00 Plus
Business License	\$12.50

Distributors that sell or lease machines and are not licensed by the state as an operator pursuant to §12-21-2728 are not subject to Subclass 8.52,

**8.6 NAICS 713990- Billiard or Pool Rooms, all types,** (A) Pursuant to SC Code § 12-21-2746, license tax of \$5.00 per table measuring less than 3½ feet wide and 7 feet long, and \$12.50 per table longer than that; PLUS, (B) with respect to Gross Income from the entire Business in addition to the tax authorized by state law for each table: Minimum on first \$2,000 ..... \$150.00 PLUS

Per \$1,000, or fraction, over \$2,000 ..... \$2.00

## Class 9 Rates

**9.1 NAICS 423930-Junk or Scrap Dealers [Non-resident rates apply].**

Minimum on first \$2,000	\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$1.30



**9.2 NAICS 522298- Pawn Brokers [All Types].**

Minimum on first \$2,000	\$200.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$1.30

**9.3 NAICS 4411 , 4412 - Automotive , Motor Vehicles, Boats, Farm Machinery or Retail. (except auto supply stores - see 4413)**

Minimum on first \$2,000	\$40.0 PLUS
Per \$1,000, or fraction, over \$2,000	\$.70

One sales lot not more than 400 feet from the main showroom may be operated under this license provided that proceeds from sales at the lot are included in gross receipts at the main office when both are operated under the same name and ownership.

Gross Income for this Classification shall include value of trade-ins. Dealer transfers or internal repairs on resale items shall not be included in gross income.

**9.4 NAICS 454390 - Peddlers , Solicitors, Canvassers , Door-To-Door Sales.**

Direct retail sales of merchandise. [Non-resident rates apply]

**9.41 Regular activities [more than two sale periods of more than three days each per year]**

Minimum on first \$2,000	\$250.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$1.20

**9.42 Seasonal activities [not more than two sale periods of not more than three days each year, separate license required for each sale period]**

Minimum on first \$2,000	\$250.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$1.25

Applicants for a license to sell on private property must provide written authorization from the property owner to use the intended location.

**9.5 NAICS 713290 - Bingo halls, parlors.**

Minimum on first \$2,000	\$310.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$1.45

**9.6 NAICS 711190 - Carnivals and Circuses.**

Minimum on first \$2,000	\$300.00 PLUS
Per \$1,000, or fraction, over \$2,000	\$1.45

**9.7 NAICS 722410 - Drinking Places, bars, lounges, cabarets** (Alcoholic beverages consumed on premises).

Minimum on first \$2,000 \$310.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$1.45

License must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

**9.92 NAICS 532284 - Beach Rentals**

Minimum on first \$2000 \$60.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$1.00

**APPENDIX B. - 2021 BUSINESS LICENSE CLASS SCHEDULED BY NAICS CODE**

<b>NAICS Sector/Subsector</b>	<b>Industry Sector</b>	<b>Class</b>
11	Agriculture, forestry, hunting and fishing	2.00
21	Mining	4.00
23	Construction	8.10
31-33	Manufacturing	2.00
42	Wholesale trade	1.00
423930	Recyclable Material Merchant Wholesalers (Junk)	9.10
44-45	Retail trade	1.00
4411	Automobile Dealers	9.30
4412	Other Motor Vehicle Dealers	9.30
454390	Other Direct Selling Establishments (Peddlers)	9.41 & 9.42
48-49	Transportation and warehousing	2.00
482	Rail Transportation	8.20
51	Information	4.00
517311	Wired Telecommunications Carriers	8.30
517312	Wireless Telecommunications Carriers (except Satellite)	8.30
52	Finance and insurance	7.00
522298	Pawnshops	9.2(
5241	Insurance Carriers	8.4(
5242	Insurance Brokers for non-admitted Insurance Carriers	8.40
53	Real estate and rental and leasing	7.00
532284	Beach rentals	9.92

54	Professional, scientific, and technical services	5.00
55	Management of companies	7.00
56	Administrative and support and waste management and remediation services	4.00
61	Educational services	4.00
62	Health care and social assistance	4.00
71	Arts, entertainment, and recreation	3.00
711190	Other Performing Arts Companies (Carnivals and Circuses)	9.60
713120	Amusement Parks and Arcades	8.51
713290	Nonpayout Amusement Machines	8.52
713290	Bingo Halls	3.00
713990	All Other Amusement and Recreational Industries (pool tables)	8.60
721	Accommodation	3.00
721199	Short term rentals	9.91
722	Food services and drinking places	1.00
722410	Drinking Places (Alcoholic Beverages)	9.70
81	Other services	5.00

Note: Class Schedule is based on 2017 IRS data.

This appendix will be updated every odd year based on the latest available IRS statistics. The 1021 Business License Class Schedule may be accessed at:  
<http://www.masc.sc/StieCollectionDocuments/Finance/BL-AppxB.pdf>

## ARTICLE II. - PEDDLING AND SOLICITING

### Sec. 4-21. - Peddler's permit and business license required.

- (a) It shall be unlawful for any peddler, drummer, or solicitor to call at any private or public residence or dwelling for the purpose of selling or offering for sale, goods, wares, or services, unless such person has first obtained a permit to solicit for which he or she shall pay a peddler's license fee of twenty-five dollars (\$25.00). For profit Business shall have a current Town business license, unless otherwise exempt as set forth herein below. Every person shall have a Town issued permit and personal identification in their possession when soliciting, which shall be presented to patrons, donors, or Town officials upon request.
- (b) Any nonresident or transient peddler, drummer or solicitor business applicant to the Town shall first produce a license issued by the State of South Carolina or by the clerk of court of Horry County pursuant to S.C. Code 1976, § 40-41-10.
- (c) Applicants shall submit the following information, as applicable, to the License Official at least ten (10) days prior to solicitation dates:
  - (1) The dates during which solicitation will occur;
  - (2) A copy of each solicitor's driver's license or other commonly accepted photo identification;
  - (3) A copy of the organization's federal identification number;
  - (4) A copy of the organization's federal and/or state exemption status documentation;
  - (5) A copy of the current Town business license; and
  - (6) A copy of the South Carolina or Horry County business license.
- (d) Solicitation by any peddler, drummer, solicitor, or business, regardless of whether the solicitation is charitable or for-profit, may not occur more than twice per calendar year for more than three (3) days each.

### Sec. 4-22. - Reserved.

### Sec. 4-23. - Special event sales.

It shall be unlawful for any person to sell, hawk, peddle, drum, solicit, etc., goods, wares or provisions of any kind without a valid business license, unless otherwise exempt under this Chapter 4 or as governed by Art. II of Chapter 12. Such license shall only be issued for the sale of such goods, wares, or provisions as are by custom sold at such events, and such license shall only be valid at the location of and during the time period in which such event is conducted.

### Sec. 4-24. - Roadside vendors.

It shall be unlawful for any person to sell or offer for sale any goods or wares as a roadside vendor. This provision shall not apply to persons selling or offering to sell fresh provisions provided such person provides adequate off-street parking for motor vehicles, does not establish the location of such provisions nearer than one hundred fifty (150) feet from the boundaries of a street right-of-way, and obtains the proper business license.

Sec. 4-25. - Solicitation for charitable purposes.

- (a) *Permissions to solicit required.* It shall be unlawful for any person to solicit or attempt to solicit for Charitable Purposes unless written permission is obtained in advance from the License Official. It shall be the duty of the License Official to investigate each applicant to ensure that the solicitation is for a legitimate Charitable Organization with a Charitable Purpose recognized by the state or the Internal Revenue Service.
- (b) *Issuance of permit.* If the License Official finds that the solicitation is for a valid Charitable Purpose, under the control and supervision of responsible and reliable persons, then such License Official shall authorize issuance of a permit.
- (c) *Exemption for proselytizing.* Religious organizations soliciting for the sole purpose of proselytizing within the Town's corporate limit shall be exempt hereunder; provided, however, that said religious organization's representatives shall immediately leave the premises of any resident upon being requested to do so.

Sec. 4-26. - False statements.

Upon discovery that the solicitation campaign has resulted in the occurrence of a misrepresentation of facts or the making of untrue statements, the Town administrator or License Official shall immediately suspend such permits and/or licenses and present to the holder of the permit and/or license a notice of suspension.

Sec. 4-27. - Prohibited in certain places.

No selling, peddling, hawking, drumming or commercial solicitation is allowed on the beach, Town streets, Town sidewalks, walkways to beach or other public property.

Sec. 4-28. - Persons in vehicles.

Literature cannot be distributed to anyone in a vehicle, parked, stopped or moving. Other methods of solicitation cannot be attempted or contact made with anyone in a vehicle, parked, stopped or moving.

Sec. 4-29. - Violations.

Any person violating any provision of this article shall be deemed guilty of an offense and may be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided herein.

Secs. 4-30—4-40. - Reserved.

### ARTICLE III. - CONTRACTING TRADES AND SERVICES

Sec. 4-41. - Contractors defined; valid business license required.

- (a) Every person, firm or corporation receiving any type of compensation undertaking the listed types of contracting services, or any similar type of service not otherwise classified, in which social security and income taxes are not being withheld weekly and a W-2 is not issued as an employee of an owner, prime contractor or subcontractor shall be considered an individual contractor for the purpose of this article.

In cases where doubt may exist as to whether a person is an individual contractor as defined above or an employee, the burden of proof shall be on the person to produce copies of current payroll records to indicate full-time employment with the Business to be considered an employee.

- (b) Persons, firms or corporations defined as an individual contractor furnishing labor, supervision or providing any type of contracting services for any form of compensation from the prime contractor shall be listed as a subcontractor. Otherwise, such persons, firms or corporations shall be subject to all licensing, registration, certification or permit requirements and liable for payment of the business license taxes herein set forth on the same basis as the prime contractor.
- (c) Charitable organizations not receiving any form of compensation for their contracting services may be exempt from payment of business license taxes but must still meet all requirements for permits, licensing, certification or registration as indicated in section 4-42 below.
- (d) It shall be a violation of this article for any contractor or subcontractor to engage in or offer to engage in any construction activity without having first obtained a valid business license and if awarded a contract obtain the necessary permits from the Town.

Sec. 4-42. - Construction trades subject to state licensing, certification, or registration; cost limits for contracts.

- (a) The following types of construction trades listed in subsection (b) for commercial or residential work requires a state license, certification or registration from:

South Carolina Contractors Licensing Board

South Carolina Residential Builders Commission

South Carolina State Fire Marshall

Municipal Association of South Carolina

South Carolina Department of Health and Environmental Control

South Carolina Residential Builders Registration

- (b) All trades, subject to Code of Laws of South Carolina, 1976, must have a current state license, registration or certification, before commencing work in the Town. Trades are listed in the S.C. Code 1976, §§ 40-59-5 et. seq. and 40-11-5 et. seq.
- (c) All limitations imposed by the state based on the type of license, certification or registration issued shall be observed.
- (d) Contractors and subcontractors only registered by the South Carolina Residential Builders Commission shall be limited to a maximum of five thousand dollars (\$5,000.00) per commercial or residential project based on the total cost unless working under a permit obtained by a licensed general contractor or residential builder. The cost of the undertaking for the purposes of this article shall include the total cost of materials, equipment and labor. The splitting up of a contract by the various trades, using separate contracts or property owners furnishing materials in order for a contractor or subcontractor to exceed the five thousand dollars (\$5,000.00) limit shall not be allowed. When the cost of an undertaking performed by a residential specialty contractor exceeds five thousand dollars (\$5,000.00), the residential specialty contractor must obtain an executed bond with a surety in an amount approved by the residential builder's commission. Regulated by LLR

Separate contracts used by registered contractors that exceed the limit imposed per project shall have a minimum waiting period of thirty (30) days from completion of the previous contract before another permit will be issued. Contractors or subcontractors only registered shall not be issued a license to perform general contracting, residential homebuilding, plumbing, electrical, fire protection, exterminating, HVAC mechanical or other trades that require examination until certified by an approved license exam.

Possession, use or attempted use of another person's state license, registration, or certification shall be a violation of this article.

Sec. 4-43. - Certain contractors not subject to state licensing, certification, etc.

Any contractors exempted from any state licensing requirement as regulated by the South Carolina Labor, Licensing and Regulation ("SC-LLR") board, regardless of trade, must have a town business license to perform work within the town's corporate limits.

Sec. 4-44. - Reserved.

Sec. 4-45. - Right of Town to rule on necessity for licensing for and to clarify construction trades.

The Classifications listed in sections 4-42 through 4-44 of this article are not all inclusive. The Town reserves the right to rule on the necessity for licensing and Classification of construction trades not listed above or reclassify trade and license requirements necessary to meet any federal, or state laws that may be imposed and to protect the health and safety of the residents of the Town.

(Ord. No. 09-0662, 4-14-09)

Sec. 4-46. - Construction or repairs by property owners.

In the interest of public health, safety, welfare, the protection of building occupants, future subsequent property owners and their visitors, the Town regulates the construction activities a property owner may perform on their own property by requiring permits and inspections for such activities.

(1) New construction, additions, structural alterations or improvements:

- a. A property owner may act as a general contractor and contract work or construction trades if all of the following conditions are met:
  1. The property owner and its contractors shall comply with all applicable laws, regulations, building codes, and zoning ordinances.
  2. The property owner shall perform supervision of the job site. Supervision of the work shall not be delegated to anyone other than a properly licensed residential builder or general contractor.
  3. The property owner shall not receive a wage, fee or commission for their participation in the project. The structure shall not be offered for sale for at least two (2) years, for lease or for rent after issuance of a certificate of occupancy.
  4. A complete list of all contractors or persons to be involved on the project shall be submitted to the building and codes department prior to any permits being issued.
  5. Contractors or persons providing labor or services to a property owner shall be licensed, insured and limited to state license limitations based on a valuation of materials and labor to be used in the course of their work.



6. Each contractor shall be responsible for obtaining a separate permit for their portion of labor, materials and profit. The difference in construction valuation between individual contracts and the total job valuation for permit fee calculation shall be the responsibility of the property owner for payment.

b. In accordance with state laws, any property owner or contractor shall be qualified by having a South Carolina Residential Builder's or General Contractor's License to obtain a permit to perform any structural carpentry, (not applicable to detached structures less than four hundred (400) square feet). Any property owner or contractor shall be qualified by having the appropriate South Carolina Mechanical Contractor's License or hold a valid master trade certification from an approved agency to perform any mechanical trades (electrical, gas, fire protection, plumbing, or heating and air conditioning work).

(2) Commercial property:

a. Permits shall not be issued to any property owner for any construction trades or work to be performed other than defined ordinary minor repairs on any property where the general public will have access, that is used for commercial purposes or residential property that is to be offered for lease or rent unless properly licensed for such undertaking.

(3) Residential repairs and nonstructural alterations (owner-occupied primary home only):

a. A property owner may perform general repairs and nonstructural alterations on their own residential property, in which they occupy as a primary residence (not including property intended for rent or lease). The building permit exemptions provided do not relieve any owner of the responsibility for compliance with Town's flood damage prevention ordinance (Chapter 14), development regulations (Chapter 15), Building Code requirements, or zoning ordinance (Chapter 17).

Such permit shall extend to the applicant only and shall not authorize the applicant to use the services of any other person to assist them unless such other person is a properly licensed contractor with their own permit. The permit granted the applicant shall automatically expire upon completion of the work which application was made and the permit issued. All work done under such permit shall be subject to Town inspection requirements and fees along with satisfying all statutory and ordinance requirements applicable to such work. These permits are non-transferable or refundable. Must promptly file as a matter of public record a notice with the Register of Deeds(4) Certificates of occupancy. Failure of the property owner to request and receive all required inspections and receive a final certificate of occupancy shall result in the denial of any type of future permit requests for that particular property until all outstanding inspections are performed, passed and the appropriate certificate issued.

If no inspections have been requested or an extension of a permit granted within a six-month period the permit will be declared null and void and a new permit shall be obtained. Failure to obtain a new permit will constitute a building code violation subject to all penalties allowed by law.

Sec. 4-47. - Additional requirements and responsibilities applicable to contractors, subcontractors and property owners.

(a) Permit applications must be obtained, completely filled out, submitted, approved and fees paid before any work may begin on any project. Some projects will require plan reviews.

(b) Any contractor, subcontractor, or individual working for or receiving compensation directly from a property owner shall meet the state's bonding requirements. Failure to maintain bond required will be

a violation of this article and will be sufficient grounds for denial of additional permits and certificates of occupancy.

- (c) Whenever a permit is required from the building and codes department, the property owner or prime contractor shall list every contractor, subcontractor or individual not classified as an employee providing services on the project for each permit issued. Subcontractors or persons not listed and found working on the job site will be in violation of this article. Certificates of occupancy will be withheld on all projects until the subcontractor list is verified.
- (d) It shall be necessary on each job for the prime contractor to be identified and posted in plain view at the project. Any building permit issued shall be posted in a conspicuous place visible from the street and protected from the elements.
- (e) Property owners and/or prime contractors shall bear full responsibility and will be in violation of this article for knowingly hiring any subcontractors that have not first proved meeting the requirements of this article. Stop work orders will also be issued on any project where unlicensed or unregistered contractors or subcontractors are found working.

Sec. 4-48. - Reserved.

Sec. 4-49. - Violations.

Any person violating any provision of this article shall be deemed guilty of an offense and may be subject to a fine of up to five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided herein.

ARTICLE IV. - INSURANCE COMPANIES AND BROKERS

Sec. 4-50. - Gross Income defined; rates established.

SIC CODE	NAICS CODE	
63	5241	<i>Insurance companies.</i> Except as to fire insurance, "Gross Income" means gross premiums collected (1) on policies on property or risks located in the Town, and (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by the insurance company's office located in the Town or by the insurance company's employee doing business within the Town or by the office of the insurance company's licensed or appointed producer (agent) located in the Town or by the insurance company's licensed or appointed producer (agent) doing business within the Town. As to fire insurance, "Gross Income" means gross premiums (1) collected in the Town, and/or (2) realized from risks located within the limits of the Town.
		Gross Income shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.
		Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit,

		or doing any act in connection with a policy or claim shall constitute doing business within the Town whether or not an office is maintained therein. A premium collected on property or a risk located within the Town shall be deemed to have been collected within the Town. Declining rates shall not apply.	
631— 32	52411	<i>Life, health and accident .....</i>	0.75% of Gross Income
633— 35	524126	<i>Fire and casualty .....</i>	2% of Gross Income
636	524127	<i>Title insurance .....</i>	2% of Gross Income
6411	524210	<i>Brokers for fire and casualty insurers—Non-admitted. As to brokers for non-admitted fire and casualty insurers, "Gross Income" means gross premiums collected by or for fire and casualty insurers not licensed in South Carolina (1) on policies on property or risks located in the Town and/or (2) on policies, wherever the insured property or risk is located, that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by a broker located in or doing business within the Town. Brokers shall provide, with their payment of the tax, a copy of the report required by the State Department of Insurance showing the locations of the property or risks insured. .... 2% of Gross Income</i>	
		[Premiums for non-admitted business are not included in broker's gross commissions for other business. Declining rates shall not apply.]	

Sec. 4-51. - Due date; penalty rate.

Notwithstanding any other provisions of this article, license taxes for insurance companies and brokers for non-admitted fire and casualty insurers shall be payable on or before April 30th in each year without penalty. The penalty for delinquent payments shall be five percent (5%) of the tax due per month, or portion thereof, after the due date until paid.

Sec. 4-52. - Interstate commerce.

Any exemptions herein for Gross Income from insurance business in interstate commerce are hereby repealed. Gross Income from interstate commerce shall be included in the Gross Income for every Business subject to a business license tax.

Sec. 4-53. - Agreement with municipal association.

The agreement with the Municipal Association of South Carolina, pursuant to S.C. Code § 5-7-300, for collection of current and delinquent license taxes from insurance companies and brokers for non-admitted fire and casualty insurers shall continue in effect.

Secs. 4-54—4-70. - Reserved. ARTICLE V. - [§](#) Reserved.

#### ARTICLE VI. - HOSPITALITY FEE [§](#)

Sec. 4-87. - Authority.

This article is enacted pursuant to the authority of Title 6, Article 7 ("the Local Hospitality Tax Act") and Title 5, S.C. Code 1976, including, without limitation, S.C. Code 1976, §§ 5-7-10 and 5-7-30, which provide, in relevant part, that municipalities may adopt all ordinances which appear necessary and proper for the security, general welfare and convenience of the municipality and for the preservation of the general health, peace and order in the municipality and further that municipalities may establish uniform service charges.

Sec. 4-88. - Declaration of purpose and intent.

This article is enacted to preserve the general health, safety and welfare of the general public within the Town by collecting a uniform fee for the purpose of creating a fund to pay in whole or in part for the current and future preservation, maintenance, nourishment, renourishment and improvement of the beaches of the Town and those public facilities related to the use of the beach; public transportation improvement, including street construction, storm damage, right-of-way acquisition, median and right-of-way enhancements and landscaping, walkways and bikeways, public pack facilities, public parking, and capital facilities and equipment necessary for the provision of public safety activities.

Sec. 4-89. - Hospitality fee.

A uniform fee equal to one percent (1%) is hereby imposed on all gross proceeds derived from:

- (1) The rental or charges for any rooms, lodging, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, motel, residence, or any place which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety (90) continuous days are not considered proceeds from transients. This fee imposed by this section 4-89(1) shall not apply to additional guest charges as that term is defined in S.C. Code 1976, §12-36-920(B)
- (2) The sale of all food and beverages, served by a restaurant, hotel, motel, or other food service facility within the Town. In addition, the fee shall be imposed for all food and beverages prepared or modified by convenience stores or grocery stores including, but not limited to, fishing pier establishments, or other general merchandise establishments where such food or beverage is provided for immediate consumption on or off of the premises.
- (3) Paid admissions to places of amusement within the Town; provided, however, that those places of admission which are specifically exempted from payment of the state license tax on admissions established in S.C. Code 1976, § 12-21-2420 shall also be exempt from this hospitality fee.

Sec. 4-90. - Payment of fee.

- (a) Payment of the fee established herein shall be the liability of the consumer of the services or products described in section 4-89. The fee shall be paid at the time of delivery of the services or products to which the fee applies and shall be collected by the provider or seller of the service or products.

- (b) The fee collected by the seller or provider of the services or products as required under section 4-89 shall be remitted to the Town along with such return or forms as may be established by the Town for such purpose.
- (c) Fees and required reports shall be submitted to the Town on the same basis as sales tax returns are required to be submitted to the state department of revenue. An establishment shall be entitled to a two percent (2%) discount on fees collected for returns that are filed on or before the due date. Any fee not timely remitted shall be subject to a penalty of five percent (5%) per month. The failure to collect from patrons the fee imposed by this article shall not relieve any establishment subject to the article from making the required remittance.
- (d) Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to punishment under section 1-16 upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

Sec. 4-91. - Hospitality fee account.

The revenue account, to be known as the Town's Hospitality Fee Account, shall be established and all revenues received from the hospitality fee shall be deposited into this account. The principal and any accrued interest from this account shall be expended as permitted in section 4-92 below.

Sec. 4-92. - Permitted uses of funds.

The Town Council is hereby authorized to utilize the funds collected from the imposition of the hospitality fee for the following purposes in accordance with the provisions of S.C. Code § 6-1-730:

- (1) nourishment, renourishment, and maintenance of the beaches, dunes, restoration, including sand fencing, the planting of sea grass or other vegetation useful in preserving the dune system within the territorial limits of the Town,
- (2) acquisition and maintenance of public beach access,
- (3) capital improvements to the beaches and beach related facilities which include but are not limited to public beach parks, public parking, public access, dune walkovers, public bathhouses and restrooms,
- (4) transportation improvements including construction and resurfacing of streets, stormwater drainage, sidewalks, bikeways, landscaping and all associated costs including right-of-way acquisition and engineering design,
- (5) the acquisition of land and the construction of passive and active parks and facilities associated with parks, including playground equipment, sports facilities, and community recreation buildings,
- (6) acquisition of property and the construction of facilities required for the provision of public safety services and the acquisition of capital equipment for the provision of public safety services,
- (7) the payment of bonded indebtedness required to provide the above-referenced uses, or
- (8) administrative costs associated with collection, accounting for an applying the hospitality fee.

Sec. 4-93. - Authorization for use.

Authorization to utilize revenues from the Hospitality Fee Account shall be by the annual budget ordinance, duly adopted by the Town.

Sec. 4-94. - Effective date.

This article shall become effective on July 1, 2021.

Secs. 4-95—4-100. - Reserved.

## ARTICLE VII. - LOCAL ACCOMMODATIONS

### DIVISION 1. - GENERALLY

Secs. 4-101—4-110. - Reserved.

### DIVISION 2. - LOCAL ACCOMMODATIONS TAX<sup>(B)</sup>

Sec. 4-111. - Tax imposed.

A local accommodations tax of one-half percent (0.5%) is created and is imposed on every person that is engaged in the business of furnishing accommodations to transients within the municipal boundaries of the Town.

Sec. 4-112. - Tax further enumerated.

A uniform tax equal to one-half percent (0.5%) is hereby imposed on all gross proceeds derived from the rental or charges for any rooms, lodging, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, residence, or any place which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety (90) continuous days are not considered proceeds from transients. This tax imposed by this section shall not apply to additional guest charges as that term is defined in S.C. Code 1976, § 12-36-920(B).

Sec. 4-113. - Payment of tax.

Payment of the local accommodations tax shall be the liability of the transient(s) described in section 4-112. The local accommodations tax shall be paid at the time of delivery of the service to which the tax applies and shall be collected by the provider of the services, and shall be held in trust by the provider until remitted as provided herein.

Sec. 4-114. - Collection of tax; remitting tax to local governing body; frequency determined by estimated average amounts.

- (1) The local accommodations tax imposed by this section is due and payable in monthly installments on or before the twentieth (20th) day of each month when the estimated amount of average tax is more than fifty dollars (\$50.00) a month, on a quarterly basis when the estimated amount of the average tax is twenty-five dollars (\$25.00) to fifty dollars (\$50.00) a month, or on an annual basis when the estimated amount of average tax is less than twenty-five dollars (\$25.00) a month. Every person liable for the tax shall make a true and correct return to the Town in such form as it may prescribe and remit the tax therewith. A return is considered timely filed if the return is mailed and has a postmark dated on or before the date the return is required to be filed.
- (2) An establishment shall be entitled to a two percent (2%) discount on taxes collected for returns that are filed on or before the due date. Any taxes not timely remitted shall be subject to a penalty of five

percent (5%) per month. The failure to collect from patrons the taxes imposed by this article shall not relieve any establishment subject to the article from making the required remittance.

- (3) Any person violating any provision of this article shall be deemed guilty of an offense and shall be subject to punishment under section 1-16 upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.
- (4) In case of a failure to make a true and correct return or a failure to file the return, the Town shall make a return upon such information as it may be able to obtain, assess the tax due thereon, and add a penalty of ten percent (10%), whereupon the Town shall mail notice to the person liable for the tax and, in the case of failure to pay the tax within ten (10) days after the mailing of any such notice, the Town shall add an additional penalty of ten percent (10%).

#### Sec. 4-115. - Inspections and audit.

For the purpose of enforcing the provisions of this article, the License Official, or another authorized agent for the Town, is empowered to enter upon the premises of any person subject to this article upon twenty-four (24) hours written notice, and to make inspections, examinations, and audits of books and records, and it shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon such written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of taxes determined to be due, in addition to the penalties provided herein. The License Official, or another authorized agent of the Town, may make systematic inspections of all businesses within the Town to ensure compliance with this article. Records of inspections shall not be deemed public records.

#### Sec. 4-116. - Penalties.

It is a violation of this article to:

- (1) Fail to collect the local accommodations tax;
- (2) Fail to remit to the Town any local accommodations tax collected;
- (3) Fail to file a local accommodations tax return;
- (4) Knowingly provide false information on a local accommodations tax return;
- (5) Fail to provide books and records to the License Official, or other authorized agent of the Town, for inspection, examination, or audit after twenty-four (24) hours written notice.

#### Sec. 4-117. - Real estate agents required to report when rental property listing dropped.

Real estate agents, brokers, corporations, or listing services required to remit taxes under this article must notify the Town if rental property, previously listed by them, is dropped from their listings.

#### Sec. 4-118. - Administrative fee.

The costs of collecting the monies may be reimbursed by the fund monies, up to a maximum of one percent (1%).

Sec. 4-119. - Local accommodations tax account.

The revenue account to be known as Town's Local Accommodations Tax Account, shall be established and all revenues received from the local accommodations tax shall be deposited into this account. The principal and any accrued interest from this account shall be expended only as permitted herein.

Sec. 4-120. - Permitted uses of funds.

The Town Council is hereby authorized to utilize the funds collected from the imposition of the local accommodations tax for the following purposes:

- (1) Use of revenue from local accommodations tax.
  - a. Tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
  - b. Tourism-related cultural, recreational, or historical facilities;
  - c. Beach access and renourishment;
  - d. Highways, roads, streets, and bridges providing access to tourist destinations;
  - e. Advertisements and promotions related to tourism development; or
  - f. Water and sewer infrastructure to serve tourism-related demand.
- (2) In a county in which at least nine hundred thousand dollars (\$900,000.00) in accommodations taxes is collected annually pursuant to S.C. Code § 12-36-920, the revenues of the local accommodations tax authorized in this article may also be used for the operation and maintenance of those items provided in subsection (1) a.—f., including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

Sec. 4-121. - Authorization for use.

Authorization to utilize revenues from the Local Accommodations Tax account shall be by the annual budget ordinance duly adopted by the Town Council.

Sec. 4-122 - Effective date.

This article shall become effective on July 1, 2021.

Secs. 4-123—4-140. - Reserved.

ARTICLE VIII. - RENTAL FEES—FOR TOWN FACILITIES

Sec. 4-141. - On-going fee schedule.

Rates for the Town facilities, including the Floral Clubhouse, for on-going meetings, events, or programs shall be:



<b>GROUP, ORGANIZATION OR BUSINESS</b>	<b>Rate per day</b>
Non-Profit Groups	\$15.00 per day
Weekly Groups and Organizations	\$50.00 per day
Business Organizations	Town Business License plus 10% of monthly revenue payable by the 5th day of the following month

Sec. 4-142. - One-time rental schedules.

Rates for the Town facilities, including the Floral Clubhouse, for one-time rentals for a meeting, an event, or a program shall be:

<b>ONE-TIME RENTALS</b>	<b>Rate</b>
Large Room	\$75.00
Floral Clubhouse	\$50.00
Non-profit (eleemosynary) Organizations	\$10.00
Town Resident Groups, 6 or less	Free

Sec. 4-143. - Town discretion to rent.

The Town, in its sole discretion, reserves the right to deny rental for any reason.

Sec. 4-144. - Town reserves the right to pre-empt rental.

The Town reserves the right to pre-empt any regularly scheduled or one-time event for Town business on no less than forty-eight (48) hour notice. In such instances, the rental fee shall be refunded, if already paid.

Sec. 4-145. - Rental fees and late penalty.

(a) *Group, organization or business on-going rentals.* Should any fee not be paid in accordance with the terms of this article, a twenty percent (20%) late fee per month shall be applied. Failure to pay shall be deemed reasonable cause to refuse future rentals.

(b) *One-time rentals.* Payment for one-time rentals are payable in advance at the time the facility is reserved.

Sec. 4-146. - Cleaning deposit.

A cleaning deposit of fifty dollars (\$50.00) per rental may be required to be paid in advance at the sole discretion of the Town. The Town Administrator or their designee shall have sole authority to determine whether facilities are cleaned in a manner that would warrant a refund.

Sec. 4-147. - Non-profit (eleemosynary) organizations.

Non-profit organizations shall be charged a fee of ten dollars (\$10.00) per day to use the Floral Clubhouse provided:

- (1) The room is reserved at least forty-eight (48) hours in advance.
- (2) The organization shall provide proof of its eleemosynary status at the time reservation. It shall be within the Town's discretion what is deemed proof.
- (3) A cleaning deposit shall be paid, if deemed appropriate.
- (4) Payment and security cleaning deposit, if any, shall be paid in advance.

Sec. 4-148. - Town resident groups.

Resident groups of six (6) individuals or less may use the Floral Clubhouse at no charge provided:

- (1) The room is reserved at least forty -eight (48)-hours in advance.
- (2) All residents desiring to use the facility have provided satisfactory proof of residency at the time the room is reserved. It shall be within the Town's discretion what is deemed proof.
- (3) A cleaning deposit shall be paid in advance, if deemed appropriate.

Sec. 4-149. - Lions Club.

Pursuant to the agreement between the South Strand Chapter of the Lions Club, International, (the club) and the Town made when the club gave its the building (formerly known as the Dick M. Johnson Civic Center) to the Town, the club shall have perpetual rights to use a Town facility for its twice monthly meetings at no charge.





# Surfside Beach Fire Department

## Quarterly Report

July 1, 2021 to September 30, 2021

1<sup>st</sup> Quarter FY2021/2022

**Rob Clemons**  
Fire Chief

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**Station 56**  
810 1<sup>st</sup> Ave N.  
Surfside Beach SC 29575  
(843) 913.8343  
rclemons@surfsidebeach.org

The information below is a reflection of 1<sup>st</sup> quarter activities and I have also outlined some preliminary work plan items for the fire department with inclusion of the volunteer members. I am just beginning to outline some of the successes and improvement areas for the organization and will use the initial organization audit to identify significant project areas. These project areas will be divided into three categories of: Met, In Progress, or No Progress. These findings will become part of our overall project management and tracking plan. My goal is to use the document to track our progress and deliverables, reinforce and align them with fire department and Town goals/objectives, and share information with Council and the community.

▪ **SBFD Career Staffing**

- Authorized career departmental staffing – 7 personnel
- Current staffing configuration

- |  |
|--|
| <ul style="list-style-type: none"><li>▪ Fire Chief = 1</li><li>▪ Battalion Captain Larry Carter remains on day schedule</li><li>▪ Battalion Captains = 3 (1 is filling position and 2 are still acting)</li><li>▪ Engineer = 1</li><li>▪ Firefighter = 0</li></ul> |
|--|

- Part-Time Fire Marshal Arnold Spain remains on leave
- Currently have one vacancy

▪ **SBFD Volunteer Staffing**

- Currently have 8 Operational personnel with varying degrees of response capabilities
- Currently have 9 Support personnel

▪ **SBFD Part Time Staffing**

- We continue to rely on part time personnel for the staffing of RE56
- Currently we have 11 people qualified to staff operational units
- We have a consistent number of 3 to 4 part time staff that assists with staffing
- The majority of part time staff work at other jurisdictions

▪ **Rescue Engine 56**

- We continue to have issues and working with our manufacture representatives
- RE has been out-of-service for a minimal time and no significant impact to services

▪ **Training**

- Continues to be a priority for all members
- Completed a total of 808 hours
  - Driver Operator
  - Pump Operations
  - Aerial Operations
  - FF I
  - Fireman's Insurance and Inspection Fund (1%)
  - NARCAN Training thru DHEC
  - Target Solutions

- Multiple staff meetings
  - Currently have multiple trainings scheduled or in-progress
    - Fire Instructor I
    - Fire Officer I
    - Fire Officer II
  - Working with our SC Fire Academy regional representative to host Instructor Orientation Workshops (IOWs)
- **Organizational Audit and Department/Division Goals and Objectives**
  - Met with career, volunteer and part-time staff to review 60-day action items and discuss leadership plan for the organization
  - I will be setting up a meeting with volunteer leadership and all volunteer members to discuss current recruitment and retention efforts and develop a plan.
  - Work session is scheduled for Monday October, 18<sup>th</sup> to start our fire department organizational audit. These audit findings will be outlined and I will produce a tracking document that will outline our roadmap for the next two to three years. This will be shared with Town Administrator and will become part of Council quarterly report.
  - In the process of conducting a budget review and begin developing spending plans for major program areas
    - Member health and safety
    - Training
    - Apparatus and station maintenance
    - Information Technology
    - PPE
- **Goals**
  - ESO Implementation and Training
    - Success Monitoring – This is our new reporting software and has already been through a “soft launch”. Training and implementation to continue for all members.
  - Organizational Staffing Model
    - Success Monitoring – Develop a staffing model that addresses personnel deployment and response times. Explore additional staffing beginning with the primary staffed unit (RE56) and build a model that incorporates volunteer members, part-time members and expansion of service to the community. Budget and grant opportunities will be a crucial part of the immediate and long term staffing model planning.
  - Current Rank Structure of Personnel
    - Success Monitoring – In conjunction with the organizational staffing model, conduct and analysis on current rank structure.
  - ISO Review
    - Success Monitoring – After delivery of report, conduct a thorough review of findings and items will be placed in organization audit and tracking document.



**Town Council Decision Paper**  
**Ordinance 21-0942**  
**Rezoning from C1 (Highway Commercial) to PL (Public Land)**  
**October 12, 2021**

**SUBJECT:** First Reading of Ordinance 21-0937 to amend the zoning of two parcels purchased by the Town of Surfside Beach to house a new town hall and municipal court facility from C-1 [Highway Commercial] to PL [Public Land]. Parcel 1 fronts on the 17 Business Frontage Road, is identified by PIN 46101040053 [TMS 191.15.07.025], and includes the existing structure that will become Town Hall. Parcel 2, fronting on Sandy Lane, is contiguous to Parcel 1 and is identified by PIN 46101040017 [TMS 191.15.07.014]. Per Horry County, the parcels contain +/- 49,917.4 square feet.

**PURPOSE:** The Town of Surfside Beach purchased the two parcels listed above for the purpose of relocating town hall from the existing site due to health-related issues with structure. The office building is currently zoned C1, which allows office uses and is the most permissive commercial district in the ordinance. In 2019, Ordinance 19-0900 created the Public Land District [PL] *to establish and preserve areas for the use of certain public purposes with the intent of being harmonious with surrounding districts and uses.* This includes parcels containing local, state, and federal land uses, and Ordinance 19-0904 amended the zoning of +/- 37 parcels to PL to that end.

The activities currently occurring at the new site are considered upfits including wiring for the computer and phone systems, as well as a security system. Additionally, there is some redecorating in anticipation of the move. The existing structure meets the setbacks for the current district (C-1) and will also meet both the setbacks and the separation requirement from residential per the PL district. Future construction will also meet the requirements of the PL district. It is anticipated with this 1<sup>st</sup> Reading and a Public Hearing to be held at the October 18<sup>th</sup> Planning Commission meeting the zoning change can be completed with a 2<sup>nd</sup> reading prior to the scheduled relocation of services from the existing Town Hall.

**RECOMMENDATION:**

Approve 1<sup>st</sup> reading of Ordinance # 21-0942.



STATE OF SOUTH CAROLINA ) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH  
COUNTY OF HORRY ) TO REZONE PARCELS OF LAND FROM  
TOWN OF SURFSIDE BEACH ) THEIR CURRENT ZONING TO PUBLIC LAND

**WHEREAS**, pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina, the Town of Surfside Beach enacted Chapter 9 in its Town of Surfside Beach Code of Ordinances, "Zoning"; and

**WHEREAS**, Article I of Chapter 4 of the Surfside Code, §17-202, provides that the Zoning Ordinance may be amended from time to time by the Town Council; and

**WHEREAS**, On August 16, 2021, the Town of Surfside Beach purchased the following parcels, as authorized by the Town Council, for the Town's administrative needs, including to be used as a Town Hall, which are presently zoned C-1 (Highway Commercial):

"New Town Hall" properties:

TM# 191.15.07.025 (210 Highway 17 S) and TM# 191.15.07.014 (*no address*)  
PIN 46101040053 PIN 46101040017

**WHEREAS**, In 2019, the Town established the Public Land (PL) zoning district for zoning for properties owned by government, including local government; and

**WHEREAS**, The Planning Commission of the Town of Surfside Beach held a public hearing October 18, 2021, to receive public input regarding the rezoning request; and

**WHEREAS**, Immediately following the public hearing, the Planning Commission reviewed the request for rezoning and, by a majority vote of the membership present, recommended Town Council approve the rezoning based on the procedures established in South Carolina law and Section 17-202 of the Town's Code of Ordinances; and

**WHEREAS**, The Town Council has determined it is in the best interests of the Town to rezone its new property, described above, to PL zoning, for use by the Town;

**NOW, THEREFORE, BE IT ORDAINED**, the properties identified herein are rezoned to Public Land (PL). The Zoning Map of the Town of Surfside Beach is and shall be amended to conform to these changes. Any development thereon must conform to all requirements of the Zoning Ordinance and other applicable laws, rules and regulations.

**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. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina

**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 26<sup>th</sup> day of October 2021.

**Surfside Beach Town Council**

\_\_\_\_\_  
Bob Hellyer, Mayor

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Debbie Scoles, Pro Tempore

\_\_\_\_\_  
Bruce H. Dietrich, Town Council

\_\_\_\_\_  
Michael Drake, Town Council

\_\_\_\_\_  
Paul Holder, Town Council

\_\_\_\_\_  
Cindy Keating, Town Council

\_\_\_\_\_  
David Pellegrino, Town Council

Attest:

\_\_\_\_\_  
Sheri Medina, Town Clerk



**State of South Carolina )**  
**County of Horry )**  
**Town of Surfside Beach )**

**Resolution #21-141**

***To Promote Work Place Safety***

**WHEREAS**, the Mayor and Town Council recognize that the prevention of accidents and promotion of work place safety affect employees, property, and the public and that promoting work place safety will enhance the operating efficiency of Town government; and

**WHEREAS**, a proactive safety emphasis posture requires that safety training be provided for employees, and that sound procedures are in place to protect employees and equipment is of primary consideration and takes precedence over expediency in all operations.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Surfside Beach will endeavor to provide a safe work environment that is free of recognized hazards through the establishment and implementation of safety policies and procedures, with subsequent amendments and additions, designed to provide protection to Town employees, its citizens, public and private property, and the general public.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Town of Surfside Beach will support compliance with all Federal and State safety regulations; provide and require the use of personal protective equipment by all employees; and ensure that all employees are advised of and understand their safety responsibilities in the performance of their work.

BE IT SO RESOLVED. Signed, sealed and dated this 11th day of October 2021.

**Surfside Beach Town Council**

\_\_\_\_\_  
 Bob Hellyer, Mayor

\_\_\_\_\_  
 Debbie Scoles, Mayor Pro Tempore

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 Bruce Dietrich, Town Council

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 David Pellegrino, Town Council

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 Paul Holder, Town Council

\_\_\_\_\_  
 Cindy Keating, Town Council

\_\_\_\_\_  
 Michael Drake, Town Council

Attest:

\_\_\_\_\_  
 Sheri Medina, Town Clerk