

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.

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You can also dial in using your phone.

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Access Code: 303-687-805

1. Agenda

Documents:

[10-26-2021-AGENDA.PDF](#)

2. Meeting Materials

Documents:

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

[21-0937-CHAPTER-14-ENABLING-ORDINANCE-AGENDA.PDF](#)

[21-0937-CHAPTER-14-FLOOD-DAMAGE-PREVENTION-FINAL.PDF](#)

[21-0938-CHAPTER-4-ENABLING-ORDINANCE-1026.PDF](#)

[21-0943-CHAPTER-4---2-8-ENABLING-ORDINANCE-1020.PDF](#)

[CHAPTER-4-ARTICLE-I-10262021-CLEAN-FINAL.PDF](#)

[CHAPTER-4-ARTICLE-II-VII-10262021-CLEAN-FINAL.PDF](#)

[EVENTS-REPORT-10-2021.PDF](#)

[FINANCE-COUNCIL-SEPTEMBER-2021.PDF](#)

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

[TREE-10262021-ARTICLE-VII-LANDSCAPING-AND-TREE-PROTECTION-PC-](#)

[09072021-TO-COUNCIL-09282021-XXX.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**

**Tuesday, October 26, 2021, • 6:30 PM.**

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

<https://global.gotomeeting.com/join/726715965>

**You can also dial in using your phone.**

United States (Toll Free): [1 877 309 2073](tel:18773092073)

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**Access Code:** 726-715-965

### **1. CALL TO ORDER**

### **2. INVOCATION AND PLEDGE OF ALLEGIANCE**

- a. Invocation: Kirk Lawton, Ocean Lakes Camp Ground Ministries
- b. Pledge of Allegiance: Mayor Hellyer

### **3. PUBLIC HEARING - None**

### **4. MOTIONS RELATING TO AGENDA**

### **5. MINUTES APPROVAL [October 11, 2021, Regular Meeting](#)**

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

### **7. COMMUNICATIONS**

- a. **FINANCE REPORT** – Director King
- b. **PRESENTATION FROM GREEN FINNLEY, LLP**, Certified Public Accountants, Emily Sobczak, Partner
- c. **EVENTS MONTHLY REPORT** – Robert Blomquist
- d. **UPDATE ON DOGWOOD SWASH** – Director Adair
- e. **STORMWATER COMMITTEE RECOMMENDATION REGARDING THE TREE ORDINANCE.**

### **8. BUSINESS**

- a. **SECOND READING –ORDINANCE 21-0938 - CHAPTER 4 –AN ORDINANCE TO AMEND CHAPTER 4, BUSINESS LICENSES AND PERMITS(Article 1).** Mr. Shanahan
- b. **FIRST READING ORDINANCE 21-0943 - AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND CHAPTER 4, ARTICLE II thru VIII OF THE CODE OF ORDINANCES FOR THE TOWN OF SURFSIDE BEACH, SOUTH CAROLINA.** Mr. Shanahan
- c.. **SECOND READING - ORDINANCE 21-0942 - AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO REZONE PARCELS OF LAND FROM THEIR CURRENT ZONING TO PUBLIC LAND.** Mr. Shanahan
- d. **SECOND 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
- e. **SECOND READING – ORDINANCE 21-0933 AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH CHAPTER 17, ARTICLE VII LANDSCAPING AND TREE PROTECTION,**Carol Coleman

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**f. REQUEST TO PURCHASE NEW K-9 VEHICLE- Mr. Shanahan**

**g. CIVIC PLUS – Mr. Shanahan**

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

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

**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.**

**12. Town Council may take action resulting from Executive Session.**

**13. ADJOURNMENT**

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☎ (843) 238-5432**

## **TOWN COUNCIL MEETING MINUTES Monday, October 11, 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:** Okey Landers from Church gave the invocation
  - b. Pledge of Allegiance:** Mayor Hellyer led in the Pledge of Allegiance.
- 3. PUBLIC HEARING - None**
- 4. MOTIONS RELATING TO AGENDA** - Councilmember Pellegrino made a motion to add to Sec 7, b. discussion of Ordinance 92-0315, sec 8.68, campaign flyers. Councilmember Drake second. All voted in favor. **Motion carried.**
- 5. MINUTES APPROVAL [September 28, 2021, Regular Meeting](#)** - Councilmember Keating made a motion to approve the minutes for September 28, 2021, as presented. Councilmember Holder second. All voted in favor. **Motion Carried.**
- 6. PUBLIC COMMENTS – Agenda Items Only**
  - a. LaVerne Kreklau**, 211 S Hollywood Dr., stated I would like to discuss Ordinance 8-68. I received an email with Ordinance 8-86, Advertisement on public property. I want to ask you how that would have affected your ability to canvas the Town in your election? This Ordinance has been on the books since 1969. The US Supreme Court ruled that the display of political and other types of signs on residential property is that you need to protect the needs of residents and towns, not restrict the display signs. Now, that's a Supreme Court decision. Section C is unenforceable, and maybe Section B would also be overregulation. I do believe the Ordinance impedes the candidate's freedom of speech. If a candidate knocks on the homeowner's door and no one answers, then walks away without leaving any information, how will the homeowner know you were there? Well, in my opinion, this is a fine example of selective enforcement. I ask that Ordinance 92-0315, sec 8-68 be suspended and rewritten not to impede freedom of speech and conform to federal law.
- 7. COMMUNICATIONS**

Mayor Hellyer introduced Surfside Beaches' new Public Information Officer/Events Supervisor, Robert Blomquist. Mr. Blomquist stated I want to say it's an honor to be here; it is a great place to work. I have lived just outside the town for 12 years, and I bring my family here all the time. As I mentioned, it's a great place to live and work. This is evident by the Family Festival with the turnout of people and vendors. I know I enjoy it and hope you enjoy it as well. We are working on some other events. The Halloween event is coming up. I want to say thank you all for having me here. I look forward to working for you.

  - a. FIRE DEPARTMENT MONTHLY REPORT** – Chief Clemons gave the Fire Department quarterly report.

Councilmember Drake asked if the information retrieved from the scenes of accidents was getting to the Cost Recovery Company. Chief Clemons stated I am still learning about the Cost Recovery Program, and I have had one virtual call with the company that does that for us. There are some things that I'm still working on, and there are some technology pieces that we still have to be loaded onto iPads for our folks to go out and do that. There has not been an implementation strategy set forth for the members. Part of that is because I want to make sure we're doing the right thing. We need to consider that in nature under the impacts when they're outmoded nuisances, but it is something that we're going to be looking at. That'll be something that will be reported to Council because that does give us an opportunity to insurance aspect of it, is a photograph.

**b. Discussion Ordinance 92-0315, Sec 8.68 Advertisement on Public Property.**

Councilmember Pellegrino motioned to suspend Ordinance 92-0315, Section 8.68 until November 1, 2021. Councilmember Drake second. All voted in favor. **Motion carried.**

Mayor Hellyer stated I've always been able to leave information when no one is home. So, I think that it should be fair to allow the Candidates to do the same. We should have Chief Hofmann give some background on this Ordinance.

Chief Hofmann stated on October 5; we got the call over to Ocean Pines. This resident called concerned about a suspicious person. Initially, it was concerned because people walked around the neighborhood, later to find they were hired adults to distribute the upcoming elections information. We located where the individuals were hanging these packets out. My Officers were very polite and professional. There were no threats of arrest. There could be some constitutional issues. This Ordinance is long overdue for revision. Chapter 8 should be reviewed in the near future. I want to assure all that the police department does not engage in selective enforcement. We were there because we got a taxpayer who asked us to only check it out. After all, somebody went into a community that said no solicitation. It did create some alarm. My recommendation would be to suspend that enforcement.

Mayor Hellyer asked if any other towns have this statement in their Ordinance. Chief Hofmann stated that no other town that he researched had an ordinance as stringent as ours. Some say advertisement needs to be weighted so it does not become litter and that you should never go on the property that is posted no solicitation.

Councilmember Holder stated I had left information, and residents have called, and we would meet. I think this is an overreach on the books.

Councilmember Keating stated I think the Ordinance has a purpose. We are very much of a tourist town with second property owner. Many of our homes in our neighborhoods are not occupied full-time. We need to be sensitive to the part-time residents. Solicitations or advertisements on every house on every door in town where the owners may only show up once or twice a year, they may not be able to contact neighbors to help watch their houses for whatever reason. I think there are valid reasons for having the restrictions in a town, like ours, that has a lot of vacant properties from time to time. You don't want this neon sign on your front door that says "nobody's been here for at least two weeks". I think that's the purpose behind it, however, I don't see any problem with leaving the campaign flyers. I'm sure we probably all have done it, and it's a very common practice, so I don't see any reason to exclude that from happening this time. I think we need to be sensitive to those not occupied properties full-time, and respect the no trespassing and no solicitation posts.

Councilmember Pellegrino motioned to suspend Ordinance 92-315, section 8.68, until after this election. Councilmember Holder second. All voted in favor. **Motion Carried.**

Mayor Hellyer stated I would ask you all to be respectful, use some discretion, and respect the property owners.

**8. BUSINESS**

**a. FIRST READING –ORDINANCE 21-0938 - CHAPTER 4 –AN ORDINANCE TO AMEND CHAPTER 4 - BUSINESS LICENSES, PERMITS AND REGULATIONS.** Councilmember Holder made a motion to approve only Article I, and defer the remaining Articles (II – VIII) until a workshop can be held. Councilmember Scoles second.

Councilmember Keating stated when I read through everything; there are only about 4 issues to address. Most of the changes in Articles II through VIII are recommended updates in the language for consistency, clarity, use of definitions, et cetera. This is what we have done with all other chapters we've been bringing forward. Those questions are: (1) In Article I: the model Ordinance from Municipal Association requires that the town pass a "Telecommunications Collection Ordinance" and an "Insurers and Brokers Collection Ordinance." If that has been done then we should reference those previous ordinances. (Mr. Shanahan indicated this had been done). (2) In Article II: why is section 4-30 on solicitation of funds was removed for events. Are we not allowed to do so, or do we not want to? We have been receiving sponsorships for events. So, by eliminating that, does that mean we will no longer allow that? (Mr. Shanahan stated it would be moved to chapter 12.) (3) In Article III: the is a philosophical change that I recommend to Sec, 4-46 (3) regarding residential repairs, nonstructural alterations performed by the homeowners. The state law and building code does not regulate a homeowner doing nonstructural, minor improvements to their own home. I think this is one section where our Ordinance has significantly overreached what is required. As long as we had a caveat in the first paragraph that says, as long as it's not a property offered for rent or lease and will not be offered for sale for a minimum of two

years, which is just state law, then the property owner has all rights to make alterations, maintenance, and repairs to their property without the burden of the permitting process. So that's paragraph (a); all additional language put in the balance of the paragraph can be eliminated because that talks about permits. If these changes can be addressed tonight, we are ready for the first reading.

Councilmember Pellegrino agreed with Mr. Holder that the Ordinance is lengthy and a workshop should be held. In going through the Ordinance, there are many changes. To me, these Articles II and III would be suitable for workshops because there's a lot of stuff deleted and changed.

Councilmember Keating stated we need to get this moving forward as quickly as possible. It needs to be put to bed, and it's easy to put to bed as one concise document so that everything is consistent and updated once and for all. We've had Chapter 4 in front of us multiple times, we don't need to visit it again. I don't think the few changes that I'm recommending are substantial. If there's anything else from the workshop, we may be re-doing the first reading at the next meeting, which puts the second reading out to the first meeting in November.

The current motion is to approve Article I only. Councilmember Keating amended the motion to accept the first reading of the Ordinance 21- 0938 in its entirety, and that will be we will conduct a workshop on Articles II through VIII prior to the second reading. Councilmember Drake second.

Councilmember Pellegrino stated there are items in this Ordinance that he is not willing to vote on at this time.

For the amended motion: Councilmember Keating and Drake voted in favor of the amended motion. Councilmember Scoles, Holder, Pellegrino and Mayor Hellyer voted against. **Motion failed.**

For the original motion to approve only Article I: Councilmembers Scoles, Holder, Pellegrino, Drake and Mayor Hellyer voted in favor. Councilmember Keating voted against. **Motion carried.**

Mayor Hellyer stated there would be a workshop on Chapter 4, Articles II through VIII.

**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.**

Councilmember Keating motioned to accept Ordinance #21-0942 to rezone parcels from their current zoning to public land pending the results of the Planning Commission meeting on Monday, October 18. Councilmember Drake second.

Mayor Hellyer stated all property owned by the town needs to be zoned as public land.

All voted in favor. **Motion carried.**

Mr. Shanahan advised the residents that town services will be reduced on October 27th, 28th, and 29th. All emergency services will be available.

**c. FIRST READING – ORDINANCE 21-0937 – CHAPTER 14 IS AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO UPDATE THE FLOOD DAMAGE PREVENTION AND ADOPT NEW FLOOD INSURANCE RATE MAPS.**

Councilmember Keating motioned to defer #Ordinance 21-0937 until comments from DNR are addressed and incorporated into the ordinance. Councilmember Drake second.

Councilmember Keating stated I'll admit I've personally done a lot of work on this Chapter and comparing it to the state model ordinance that was also submitted in October of 2020. In comparison of the documents, certain things were left out of our last draft of this Ordinance presented in August. Some were intentional because it gives us a higher standard for the CRS program. But there were other opportunities here to incorporate additional language and clarifications, eliminate some conflicting provisions, and some of the language from the new model ordinance that would also provide us with additional CRS points. This would otherwise have been missed. I appreciate the fact that the document was sent on to DNR for their comments. They returned a few comments that require some revision and adjustments to the draft language. For example, Jessica had specific comments about definitions, and if we are going to eliminate expansions of or new mobile home parks or subdivisions, there should be clarifying language. These comments need to be addressed. We can take another couple of weeks and make this right and bring it forward for the next meeting. Getting this chapter right has a significant impact on our town. This year, because of the COVID, we haven't done much to implement our

public information program as part of CRS. This is becoming more and more critical as we go through the re-evaluation of the program. As we advance in re-evaluating points allocations, we need to do everything we can in this chapter to get as many points as possible, and some of the red line changes do exactly that.

Ms. Coleman stated that if there's any delay in adopting this Ordinance beyond December 16th, you will no longer be in the National Flood Insurance Program. There won't be a CRS to qualify for, and there wouldn't be any new insurance policies. Policies that are in place would go up substantially. The new FIRMs are setting a new standard and making people notice that this is very important, and as I said, everyone's insurance rates would go up. There would be no access to grants or reimbursements should something were to occur. There's a lot to pay attention to. As of October 1, once the new maps are adopted, right now, you get a 25% discount for people that are in the floodplain. And 10% outside of the floodplain. Insurance rates after it's adopted, then everyone would be eligible for 25%.

Councilmember Keating asked if anything has changed with the maps on the town's website that are preliminary since 2015.

Councilmember Pellegrino stated I want to make a few comments on this, like Mrs. Keating said, this has been going on for years; there was a lawsuit with Horry County, and we've been going back and forth this thing for months. Many homes will come out of the flood zone when these maps are approved. Let us move forward, and changes can be made between the first and second reading.

Councilmember Keating stated I believe we should have a complete document. It would not hurt to defer this until the next meeting to have it complete showing all of the DNRs comments.

Councilmembers Keating, Drake, and Mayor Hellyer voted in favor. Councilmembers Scoles, Holder and Pellegrino voted against. **Motion failed.**

Councilmember Scoles motioned to approve Ordinance #21-0937. Councilmember Holder second. Councilmembers Scoles, Holder and Pellegrino voted in favor. Councilmembers Keating, Drake and Mayor Hellyer voted against. **Motion failed.**

Mayor Hellyer motioned to reconsider his vote and vote in favor. Councilmember Holder second. Councilmembers Scoles, Holder, Pellegrino and Mayor Hellyer voted in favor. Councilmembers Keating in Drake voted against. **Motion carried.**

Councilmember Pellegrino motioned to revote on the motion to accept Ordinance 21-0937. Mayor Hellyer second. Councilmembers Scoles, Holder, Pellegrino and Mayor Hellyer voted in favor. Councilmembers Keating and Drake voted against. **Motion carried.**

**d. RESOLUTION #21-0141 – WORKPLACE SAFETY** – Mayor Hellyer read Resolution #21-0141. Councilmember Keating motioned to accept Resolution #21-0141, Workplace Safety. Councilmember Drake second. All voted in favor. **Motion carried.**

## **9. PUBLIC COMMENTS**

**a. Judy Henion**, 11<sup>th</sup> Ave North, stated Thank You for making this so interesting this evening. You are all invited to Raves Restaurant on October 23, 2021 for a candidate meet and greet from 1 pm to 3 pm. I look forward to seeing you there. I look forward to the Town-sponsored debate on Thursday.

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

**a. Councilmember Scoles**, thank you to everyone who has come out and is online. I see a lot of candidates in the audience. I know you are very busy. I wish you all good luck. Thank you to Chief Clemons for your report. To the candidates, I wish you luck, and as we said, please be respectful of our resident properties. Have a good night.

**b. Councilmember Holder**, Thank you to everyone that came out tonight. I'm glad to see all the candidates here. I went to a seminar last week in Myrtle Beach for I-73, and it seems that most of the county favor this. It was very interesting.

**c. Councilmember Keating**, I want to thank everybody for coming out and tuning in. Trying to step through these ordinances is not an easy task. There are 7 of you sitting in the room, and 3 of you will find out how difficult in 22 more

days. We try our best to make sure that we do things correctly the first time, so we don't have to do it again. That's always been my goal. One of the things that I campaigned on was to clean up the ordinances, to stop the band-aid and knee-jerk reactions on certain things. I agree with those issues around the campaign flyers. I think the premise behind most of the confusion tonight is, again, splitting up the chapters instead of doing a complete job. Other than that, again, as always, I appreciate all the feedback and the questions from people that contact me on Facebook and email. It's always interesting to hear others' perspectives and concerns about what's going on. In general, everybody is pleased with the town's services to our residents. So, always stay healthy and stay safe.

**d. Councilmember Pellegrino**, thank you for coming tonight. It is exciting to see the candidates here, and I'm glad you guys are getting involved. Talk to me. It's a much more pleasant experience when I'm not running. So, I do appreciate it, and I appreciate you guys get involved. You're taken on a huge challenge, and there's a lot of other things that go on. Overall, it's a great place to live. Have a good night.

**e. Councilmember Drake**, wanted to thank everybody for coming out tonight. Thanks to the candidates. We're making strides in some places, and people beside us sometimes need to stay focused on that. It's a beautiful place to live. Thank you.

**f. Mayor Hellyer**, I appreciate everybody coming down tonight; we have a lot of stuff going on. I'm frustrated at these ordinances having to come back repeatedly with changes, we need to make sure they are right. As far as the candidates, I wish you good luck. If you should find one of your signs missing, if it was picked up by code enforcement, you will find it behind the town hall next to the dumpster if you want to retrieve it. I look forward to the debate that will soon be here. Have a great night.

## 11. ADJOURNMENT

Councilmember Keating motioned to adjourn the meeting at 8:06 pm. Councilmember Holder second. All voted in favor. **Motion carried.**

### Surfside Beach Town Council

\_\_\_\_\_  
Robert Hellyer, Mayor

\_\_\_\_\_  
David L. Pellegrino

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

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

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

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Debbie Scoles, Mayor Pro Tempore

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

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

Sheri L Medina, Town Clerk

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**STATE OF SOUTH CAROLINA                    ) AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**  
**COUNTY OF HORRY                            ) TO AMEND CHAPTER 14, FLOOD DAMAGE PREVENTION**  
**TOWN OF SURFSIDE BEACH                 ) 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 October 2020 the South Carolina Department of National Resources published South Carolina Model Flood Damage Prevention Ordinance; and

**WHEREAS**, FEMA has published revised Flood Insurance Rate Maps (FIRMS) that become effective December 16, 2021; and

**WHEREAS**, the Town Council desires modify and update the provisions of Chapter 14 – Flood Damage Prevention ordinance, Article I – General Provisions, and Article II – Variance Procedures to reflect the minimum standards of the new Model Ordinance; and

**WHEREAS**, the Town Council desires to modify and update the provisions of Chapter 14 – Flood Damage Prevention, Article I – General Provisions to adopt the new FIRMS effective December 16, 2021; and

**WHEREAS**, the Town Council desires to amend and/or revise certain sections of Chapter 14, Articles I and II for clarity, consistency, and in some cases to establish a higher regulatory standard as not otherwise pre-empted by state law, in the best interests of the town; and

**WHEREAS**, the Town of Surfside Beach has prepared the attached **Exhibit A** as the revised Articles I and II of Chapter 14, Flood Damage Prevention 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 14, Articles I and II 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:** Article I shall be amended per the redline changes shown in **Exhibit A**.

**2. Article II – VARIANCE PROCEDURES:** Article II shall be amended per the redlined changes shown in **Exhibit A.**

**3. 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.

**4. EFFECTIVE DATE.** This ordinance shall take effect after approval at second reading by the Town Council of the Town of Surfside Beach, South Carolina and upon the new FIRMs effective date of December 16, 2021.

**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

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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

# **EXHIBIT A (or ordinance #21-0937)**

## **Chapter 14 - FLOOD DAMAGE PREVENTION**

### **ARTICLE I. - GENERAL PROVISIONS**

#### **Sec. 14-1. - Statutory authorization.**

The Legislature of the State of South Carolina has in S.C. Code of Laws, Title 5 and Title 6, Chapter 7, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the mayor and council of the Town of Surfside Beach, South Carolina ("Town") does ordain as follows:

#### **Sec. 14-2. - Findings of fact.**

The flood hazard areas of the Town are subject to periodic inundation which may result in loss of life, property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base. All of which adversely affect the public health, safety, and general welfare.

Furthermore, these flood losses are caused by the cumulative effect of obstruction in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damage.

#### **Sec. 14-3. - Statement of purpose and objectives.**

It is the purpose of this chapter to protect human life and health, minimize property damage, and encourage appropriate construction practices to minimize public and private losses due to Flood conditions by requiring that uses vulnerable to Floods, including facilities which serve such uses, be protected against Flood damage at the time of initial construction. Uses within the floodplain which are dangerous to health, safety, and property due to water or erosion hazards, or that increase Flood heights, or velocities are restricted or prohibited. These provisions attempt to control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the accommodation of floodwaters, and control filling, grading, dredging and other development that may increase Flood damage or erosion. Additionally, this chapter prevents or regulates the construction of Flood barriers that will unnaturally divert floodwaters or which may increase Flood hazards to other lands.

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

*Base Flood Elevation (BFE).* The level of surface water anticipated to be reached during a Base Flood.

*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 preliminarily 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. *Modular Home.* Any building of closed construction, regardless of type of construction or occupancy classification, other than a mobile or Manufactured Home, constructed off-site in accordance with the state, local and regional building codes, and transported to the point of use for installation or erection.

*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 its 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 Town shall designate a 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, 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 Amendment with FEMA 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) 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) *Critical Facilities.* Shall be elevated to the 500-year flood elevation or be elevated to the highest known historical flood elevation (where records are available), whichever is greater. If no data exists establishing the 500-year flood elevation or the highest known historical flood elevation, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates 500-year flood elevation data.

- (4) *Anchoring.* All New Construction, Additions and/or Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (5) *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.
- (6) *Minimize Flood Damage.* All new construction, additions and/or substantial improvements shall be constructed by methods and practices that minimize Flood damages;
- (7) *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;
- (8) *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.
- (9) 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.
- (10) *Water Supply Systems.* All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (11) 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;
- (12) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (13) *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.
- (14) *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.
- (15) *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.

- (16) 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.
- (17) Slab construction (including raised slabs) shall be prohibited within all SFHAs.
- (18) 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.
- (19) New septic systems in floodplains are prohibited.
- (20) *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).
- (21) *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.
- (22) 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.
- (23) There shall be no alteration of sand dunes which would increase potential Flood damage.
- (24) 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.
- (25) Recreational Vehicles shall not be permitted within the SFHA.
- (26) Outdoor storage of any kind shall be prohibited within the SFHA.
- (27) 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 per Sec 17-395. No new or extension of a Manufactured Home Park or subdivision shall be permitted per Sec. 17-395. 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 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 that 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 shall 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

All decks shall be structurally attached to a Structure and shall be elevated so that the bottom of the lowest supporting horizontal member (including pilings or columns) is located no lower than three (3) feet above the Base Flood Elevation, with all space below the lowest supporting member open so as not to impede the flow of water.
- (14) Electrical, ventilation, plumbing, heating and air conditioning equipment (including ductwork), and other service facilities shall be designed and/or located no lower than three (3) feet above Base Flood elevation, with all space below the lowest horizontal supporting member open so as not to impede the flow of water. 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 local floodplain administrator 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**

### **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.**



**STATE OF SOUTH CAROLINA** ) **AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**  
**COUNTY OF Horry** ) **TO AMEND CHAPTER 4, ARTICLE 1 BUSINESS**  
 ) **LICENSES, PERMITS AND REGULATIONS OF THE**  
**TOWN OF SURFSIDE BEACH** ) **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 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.

**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

**STATE OF SOUTH CAROLINA** ) **AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH**  
**COUNTY OF HORRY** ) **TO AMEND CHAPTER 4, ARTICLES 2 THROUGH 8.**  
 ) **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**, 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 desire to eliminate Article V in its entirety, and

**NOW, THEREFORE**, Town Council hereby directs that Chapter 4, Articles 2 through 8 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 II – PEDDLING AND SOLICITING:** Article II shall be amended per the redlined changes shown in **Exhibit A**.
- 2. Article III – CONTRACTING TRADES AND SERVICES:** Article III shall be amended per the redlined changes shown in **Exhibit A**.
- 3. Article IV – INSURANCE COMPANIES AND BROKERS:** Article IV shall be amended per the redlined changes shown in **Exhibit A**.
- 4. 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 S.C. Competitive Cable Services Act of 2006, SEC.58-12-300 et. Seq.
- 5. Article VI – HOSPITALITY FEE:** Article VI all shall be amended per the redline changes shown in **Exhibit A**.
- 6. Article VII – LOCAL ACCOMMODATIONS:** Article VII all shall be amended per the redline changes shown in **Exhibit A**

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

**8. 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.

**9. 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

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Cindy Keating, Town Council

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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 30th 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 proceeding 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 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 + \$12.50	
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	\$310.00	\$1.45

9.7	\$310.00	\$1.45
9.91	\$90.00	\$2.27
9.92	\$60.00	\$1.00

## 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

(Telecommunications Collections Ordinance: #04-0537). 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 #04-0537.

**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 (Insurers and Brokers Collections Ordinance #12-0735). 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 #12-0735.

**8.51 NAICS 713120 - Amusement Machines, coin operated (except gambling).** Music machines, juke boxes, kiddie 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
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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 \$310.00 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.

**9.91 NAICS 721199 – Short Term Rentals**

Minimum on first \$2,000 \$90.00 PLUS

Per \$1,000, or fraction, over \$2,000 \$2.27

**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

NAICS Sector/Subsector	Industry Sector	Class
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.

Sec. 4-30. Solicitation of funds for Town sponsored, charity, and nonprofit events.

- (a) Authority. Solicitation of funds for Town sponsored events shall be authorized by the Council or the Town Administrator as set forth herein.
  - (1) Town Events. The Council shall have authority to authorized solicitation of funds for Town sponsored events. The Town Administrator shall present to Council during a regular meeting all requests for solicitations that will be made in the Town's name or for the benefit of the Town. In such cases all monies shall follow the Town's prescribed order for donations, gifts, and the general handling of Town funds. Donations are tax deductible only when the entity soliciting those funds is a 501 (C) (3). It shall be communicated to all donors, prior to the acceptance of a donation, whether or not the donations are tax deductible.

Committee members and/or others desiring to solicit funds on behalf of the Town shall submit their requests to the Town Administrator in writing. The request shall include a description of the event or purpose, anticipated expenses, anticipated revenue, and expected benefit for the Town and its residents. The Town Administrator has the right to require additional information before the request is presented to the Town Council.

- (2) Charity or nonprofit events. The Town Administrator shall have the authority to permit solicitation of funds by an established non-profit 501 (C)(3) organization or other Charitable Organization when it makes a request and said solicitation will not interfere with the smooth operation of the Town. (e.g., Girl Scout cookie booth, high school car wash, etc.).
- (b) Permit to solicit. A permit to solicit shall be issued to individuals authorized to solicit funds on behalf of the Town. Said permit shall be presented to any person or business from whom funds are requested. Individuals soliciting funds without proper authority are subject to fines and penalties. Individuals approved to solicit funds shall submit identification and/or other requested information to the Town Administrator.
- (c) Handling of solicited funds.
  - (1) A numbered receipt book will be provided by the Town;
  - (2) All donations shall be receipted with a copy to both the donor and the Town;
  - (3) A check shall be the preferable method of payment and shall be made payable to the "Town of Surfside Beach";
  - (4) All collected funds shall be turned into the Finance Department by the next business day;
  - (5) The Finance Department shall identify the particular project and keep an accounting of all solicited funds for each project and/or event;
  - (6) Expenditures, preapproved by Council, must be accompanied by original receipt(s) and/or original invoice(s) and shall be presented to the Town Administrator for payment within the appropriate timeframe.
- (d) Penalties for failure to comply. It shall be unlawful for any person to violate any provisions within this Chapter 4, Article II. Any violator shall appear in the Municipal Court of the Town and be subject to a maximum misdemeanor fine of five hundred dollars (\$500.00), plus any local, state, or federal assessments or imprisonment for not more than thirty (30) days for each offense. Nothing in this section shall prevent the Town from taking such other lawful action as necessary to prevent or remedy a violation.

Secs. 4-31— 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.

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, 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.

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.
  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 (not including property intended for rent or lease); Provided, however, it is the responsibility of the property owner to ensure compliance with Town's ordinances, including Chapter 14 – Flood Damage Prevention, Chapter 15 – Land Development Regulations, and Chapter 17 – Zoning. In accordance with state law, the property must not be offered for sale for at least two (2) years, or for lease or rent after the performance of the work.

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	<p><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.</p>	
		<p>Gross Income shall include new and renewal business without deductions for any dividend, credit, return premiums or deposit.</p>	
		<p>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.</p>	
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	<p><i>Brokers for fire and casualty insurers—Non-admitted.</i> 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</p>	

		<p><i>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></p>
		<p>[Premiums for non-admitted business are not included in broker's gross commissions for other business. Declining rates shall not apply.]</p>

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

### 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
Small Room	\$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.

# **PUBLIC INFORMATION & EVENTS**

## **QUARTERLY REPORT**

Robert Blomquist | Public Information Officer & Events Supervisor

### **Events:**

This weekend three events are being held along Surfside Drive.

The Myrtle Beach Car Club is hosting their annual Classic Car show. Surfside Drive will be blocked off for the event from Ocean Boulevard to Hollywood Drive. That event goes from 10 a.m. to 3 p.m.

Champion Autism Network is hosting their annual Meatball Challenge adjacent to the car show in the Yaupon Parking lot. That event goes from 11 a.m. to 3 p.m.

And wrapping up the day, Keep Surfside Beach Beautiful has planned an Inaugural Halloween Golf Cart Parade. The parade starts at 4 p.m. on the western end of Surfside Drive, near Hwy 17 Business and goes the length of Surfside Drive down to Ocean Boulevard.

The Town would like to remind people about our weekly farmer's markets held in Memorial Park.

The Waccamaw Cooperative hosts a Farmer's Market from 10 a.m. to 3 p.m. on Tuesdays and the Olive Shack hosts the Discover Surfside Beach Market from 10 a.m. to 3 p.m. on Thursdays.

And finally we have Arts in the Park on Sunday. We're adjusting those hours as the season progresses and we lose daylight. This weekend the fun starts at 3 p.m. Stay tuned to our website and Facebook page for schedule adjustments.

Plans are in place for the town's Veterans Day Service. That will take place at 2pm, Thursday Nov. 11, at Memorial Park.

### **Family Festival**

The town's Family Festival was a huge success. Many vendors told us it was likely the largest turnout for the event in years. A big thank you to the town's Public Works Department and Police Department, for their work in setting up and securing the safety of the event.

### **Event Planning**

We're in the process of putting together the annual Christmas tree lighting and Christmas parade as well as other events.

Those two events are scheduled for Dec. 4 and Dec. 11.

### **Public Information:**

The town has been active on social media getting out information on recent developments regarding the town as well as publicizing meetings and events.

As public information officer, over the coming months I plan to review Standard Operating Procedures (SOP's) and Mission Statements from public information offices in other municipalities. I'll then take that

information to develop an SOP and Mission Statement for the Town of Surfside Beach Public Information Office.

Along with that I've been in discussions with Chief Rob Clemons from the Town of Surfside Beach Fire Department to plan a workshop for the fire department on best practices for social media.

Finally, a Town Election will be held Tuesday, Nov. 2 from 7 a.m. to 7 p.m. Be sure to get out and vote.





## Town of Surfside Beach Finance Report September 30, 2021

### **General Fund**

The General Fund Revenue before transfers is \$134k higher than last year. All revenue categories have increased in this fiscal year except interest revenue. However, expenditures have increased \$1.2 million from the prior year due to the purchase of capital equipment and the new Town Hall facility.

There were 43 new business license accounts opened in September, 4 new businesses, 7 new rentals, 5 new contractors, and 27 out of town businesses.

### **Special Revenue Funds- Accommodations, Hospitality and Local A-Tax Funds**

Accommodations Funds will be received from the State of SC in mid to late October.

Hospitality collections totaled \$382k from our local collection and \$456k from Horry County.

Local Atax totaled \$103k from local collection and \$106k from Horry County.

In addition, these two funds received \$622k from Horry County as the settlement of H-tax dispute. The 21-22 budget has the funds from Horry County being used for the Pier reconstruction.

Quarterly transfers were made from these funds to General Fund and the Pier Fund as budgeted.

### **Capital Projects Fund**

Road paving is the only project planned for this fund. It is scheduled to begin in Spring 2022.

### **Stormwater Utility Fund**

Work has resumed on the Dogwood Swash project. The fund expenditures total \$227k YTD. The budget for the swash project will be moved to 2021-2022 budget in a budget amendment later this year.

### **Enterprise Funds- Pier and Sanitation Fund**

Pier Fund: The Pier received a reimbursement from FEMA this month totaling \$378k. Pier reconstruction is detailed on page 9.

Sanitation Fund: Revenue from sanitation fees totaled \$463 YTD which is in line with the prior year. Operating Expenses total \$387k this year.

### **Lanier Parking**

Parking and citation revenue collected by Lanier totaled \$206k YTD. Parking management and other costs total \$72k YTD. The net revenue from parking totals \$152k YTD. Parking ends October 31.

### **Finance Department**

The Finance Department has been working on the annual audit and financial statements. Emily Sobczak, CPA, Partner at Green Finney LLC will present the report to Council at the October 26, 2021 meeting.

### **Transparency**

The Town's accounts payable register has been posted online and a link has been added to the State Comptroller General's office website. Visit the following websites for information: Town of Surfside Beach <https://www.surfsidebeach.org> SC Comptroller General <https://www.cg.sc.gov/fiscaltransparency>  
If you have any questions regarding this report, please contact the Finance Department at (843)-913-6336.

**Town of Surfside Beach**  
**General Fund**  
**Summary Financial Information**  
**September 30, 2021**

	September	YTD	FY 21-22	Over (Under)	September	YTD
Revenue	2021	2021-2022	Budget	Budget	2020	2020-2021
Property Taxes	\$ 25,683	\$ 84,860	\$ 3,327,000	\$ (3,242,140)	26,214	84,408
Licenses & Permits	34,631	97,809	1,676,500	(1,578,691)	22,789	78,418
Franchise Fees	19,595	58,784	697,500	(638,716)	19,008	57,025
Fines	15,485	46,540	113,500	(66,960)	14,293	34,504
Interest	105	870	15,000	(14,130)	1,168	3,935
Intergovernmental	39,569	42,349	229,420	(187,071)	32,888	33,567
Special Event	7,670	10,249	17,000	(6,751)	-	-
Other Revenue	10,368	23,402	123,000	(99,598)	6,270	12,952
Parking	46,949	206,391	335,000	(128,609)	25,355	132,255
<b>Total Revenue</b>	<b>\$ 200,055</b>	<b>\$ 571,254</b>	<b>\$ 6,533,920</b>	<b>\$ (5,962,666)</b>	<b>\$ 147,984</b>	<b>\$ 437,064</b>
<b>Expenditures</b>						
Administration	\$ 30,818	\$ 100,244	\$ 490,490	\$ (390,246)	\$ 54,851	\$ 118,174
Finance	44,005	106,248	407,235	(300,987)	36,513	96,282
Court	11,357	32,222	167,610	(135,388)	10,546	33,409
Facilities	9,379	23,105	101,945	(78,840)	6,319	18,760
Police	172,439	511,729	2,473,500	(1,961,771)	183,191	519,505
Parking Expenses	21,737	72,400	182,080	(109,680)	11,741	39,602
Fire	59,202	174,319	852,950	(678,631)	59,483	167,827
Building & Codes	24,707	62,645	388,790	(326,145)	15,430	48,887
Grounds	37,085	98,754	428,800	(330,046)	30,236	88,304
Public Works	77,650	235,958	1,069,220	(833,262)	80,112	222,011
Fleet Maintenance	14,651	38,710	178,195	(139,485)	8,122	37,268
Events	4,148	34,015	208,980	(174,965)	9,281	32,176
Non Departmental	6,964	28,983	216,775	(187,792)	5,338	22,531
<b>Total Expenditures</b>	<b>\$ 514,142</b>	<b>\$ 1,519,332</b>	<b>\$ 7,166,570</b>	<b>\$ (5,647,238)</b>	<b>\$ 511,163</b>	<b>\$ 1,444,736</b>
<b>Net Revenue/(Expenditures) Before Debt &amp; Capital Expenditures</b>	<b>\$ (314,087)</b>	<b>\$ (948,078)</b>	<b>\$ (632,650)</b>	<b>\$ (315,428)</b>	<b>\$ (363,179)</b>	<b>\$ (1,007,672)</b>
<b>Debt and Capital Expenditures</b>						
Capital Other Equipment Admin	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Land	-	86,278	-	-	-	-
Capital Building	48,660	1,045,747	-	1,045,747	-	-
Capital Other Equipment	11,024	13,538	-	13,538	-	-
Capital Replacement Grounds	-	12,959	13,000	(41)	-	-
Capital Build Imp	-	-	15,000	(15,000)	-	-
Capital Other Equipment	-	5,187	18,000	(12,813)	-	-
Transfer to Capital Projects	-	-	43,000	(43,000)	-	-
<b>Total Debt and Capital Expenditures</b>	<b>\$ 59,684</b>	<b>\$ 1,163,709</b>	<b>\$ 89,000</b>	<b>\$ 988,431</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Total Expenditures</b>	<b>\$ 573,826</b>	<b>\$ 2,683,041</b>	<b>\$ 7,255,570</b>	<b>\$ (4,658,807)</b>	<b>\$ 511,163</b>	<b>\$ 1,444,736</b>
<b>Excess (Deficiency) of Revenues Over (Under) Expenditures</b>	<b>\$ (373,771)</b>	<b>\$ (2,111,787)</b>	<b>\$ (721,650)</b>	<b>\$ (1,303,859)</b>	<b>\$ (363,179)</b>	<b>\$ (1,007,672)</b>
<b>Other Financing Sources</b>	<b>\$ 156,540</b>	<b>\$ 156,540</b>	<b>\$ 675,650</b>	<b>(519,110)</b>	<b>\$ 105,750</b>	<b>\$ 105,750</b>
<b>Net Change in Fund Balance</b>	<b>\$ (217,231)</b>	<b>\$ (1,955,247)</b>	<b>\$ (46,000)</b>	<b>\$ (1,822,969)</b>	<b>\$ (257,429)</b>	<b>\$ (901,922)</b>
Beginning Fund Balance 7/01/2021 Actual		\$ 6,149,992				
Ending Fund Balance		\$ 4,194,745				

Town of Surfside Beach						
General Fund Revenue						
September 30, 2021						
General Fund	September 2021	YTD 2021-2022	FY 21-22 Budget	Over (Under) Budget	September 2020	YTD 2020-2021
<b>Property Taxes</b>						
Current Property Taxes	\$ 14,740	\$ 61,377	\$ 3,285,000	\$ (3,223,623)	\$ 10,417	\$ 46,010
Penalties & Prior Year Taxes	9,916	20,079	30,000	(9,921)	14,799	34,547
Motor Carrier Taxes	1,027	3,404	12,000	(8,596)	998	3,851
<b>Total Property Taxes</b>	<b>\$ 25,683</b>	<b>\$ 84,860</b>	<b>\$ 3,327,000</b>	<b>\$ (3,242,140)</b>	<b>\$ 26,214</b>	<b>\$ 84,408</b>
<b>Licenses and Permits</b>						
Business Licenses - Local	\$ 16,935	\$ 45,220	\$ 625,000	\$ (579,780)	\$ 9,511	\$ 35,385
Business Licenses - MASC	306	306	850,000	(849,694)	1,615	1,615
Animal Licenses	60	170	1,500	(1,330)	80	170
Building Permits and Fines	17,330	52,113	200,000	(147,887)	11,583	41,248
<b>Total Licenses &amp; Permits</b>	<b>\$ 34,631</b>	<b>\$ 97,809</b>	<b>\$ 1,676,500</b>	<b>\$ (1,578,691)</b>	<b>\$ 22,789</b>	<b>\$ 78,418</b>
<b>Franchise Fees</b>						
Santee Cooper (Bi-Annual)	\$ -	\$ -	\$ 290,000	\$ (290,000)	\$ -	\$ -
GSW&SA (Monthly Installments)	19,595	58,784	230,000	(171,216)	19,008	57,025
Charter Communications (Quarterly)	-	-	150,000	(150,000)	-	-
SCANA (Annual)	-	-	10,000	(10,000)	-	-
HTC	-	-	16,000	(16,000)	-	-
Beach Services	-	-	1,500	(1,500)	-	-
<b>Total Franchise Fees</b>	<b>\$ 19,595</b>	<b>\$ 58,784</b>	<b>\$ 697,500</b>	<b>\$ (638,716)</b>	<b>\$ 19,008</b>	<b>\$ 57,025</b>
<b>Fines and Forfeits</b>						
Police Fines	\$ 12,724	\$ 36,462	\$ 90,000	\$ (53,538)	\$ 10,634	\$ 24,481
Victims Assistance	2,161	7,228	18,000	(10,772)	2,884	6,648
Parking Fines	600	2,850	5,500	(2,650)	775	3,375
<b>Total Fines Forfeits</b>	<b>\$ 15,485</b>	<b>\$ 46,540</b>	<b>\$ 113,500</b>	<b>\$ (66,960)</b>	<b>\$ 14,293</b>	<b>\$ 34,504</b>
<b>Interest</b>						
	\$ 105	\$ 870	\$ 15,000	\$ (14,130)	\$ 1,168	\$ 3,935
<b>Intergovernmental Revenues</b>						
Aid - Local Government Fund	\$ -	\$ -	\$ 92,000	\$ (92,000)	\$ -	\$ -
Alcohol Permits	-	-	47,600	(47,600)	-	-
Homestead Exemption	-	-	52,000	(52,000)	-	-
Merchants Inventory	-	2,780	11,120	(8,340)	2,780	2,780
Other Grants	-	-	15,000	(15,000)	14,395	15,074
FEMA	-	-	-	-	1,481	1,481
PEBA Reimbursement	31,337	31,337	-	31,337	-	-
Law Enforcement	8,232	8,232	-	8,232	14,231	14,231
H.C. Recreation Grants	-	-	11,700	(11,700)	-	-
<b>Total Intergovernmental</b>	<b>\$ 39,569</b>	<b>\$ 42,349</b>	<b>\$ 229,420</b>	<b>\$ (187,071)</b>	<b>\$ 32,887</b>	<b>\$ 33,566</b>
<b>Rental and Special Events Revenue</b>						
Civic Center Rental	\$ -	\$ (60)	\$ 3,000	\$ (3,060)	\$ -	\$ -
Special Events and Donations	7,670	10,309	14,000	(3,691)	-	-
<b>Total Rental and Special Events</b>	<b>\$ 7,670</b>	<b>\$ 10,249</b>	<b>\$ 17,000</b>	<b>\$ (6,751)</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Other Revenue</b>						
Miscellaneous Revenues	\$ 2,399	\$ 3,305	\$ 6,500	\$ (3,195)	\$ 2,979	\$ 4,903
Rebates & Reimbursements	320	2,711	32,000	(29,289)	287	1,710
False Alarms	245	500	4,500	(4,000)	-	-
Tournament Reimbursements	400	400	4,500	(4,100)	-	-
Fire/Police Department	-	-	500	(500)	70	205
Vehicle Maintenance Reimbursements	1,150	6,543	16,000	(9,457)	1,741	3,900
Parking Violations	-	880	12,000	(11,120)	-	-
Miscellaneous Donations	155	155	-	155	-	-
Town Merchandise	497	2,008	7,000	(4,992)	347	1,389
Cost Recovery	-	-	20,000	(20,000)	-	-
Sale of Fixed Assets	6,900	6,900	10,000	(3,100)	-	-
Insurance Proceeds	(1,698)	-	10,000	(10,000)	846	846
<b>Total Other Revenue</b>	<b>\$ 10,368</b>	<b>\$ 23,402</b>	<b>\$ 123,000</b>	<b>\$ (99,598)</b>	<b>\$ 6,270</b>	<b>\$ 12,953</b>
<b>Lanier Revenue</b>						
Parking Fees-Lanier	\$ 43,994	\$ 195,512	\$ 310,000	\$ (114,488)	\$ 23,730	\$ 125,461
Parking Citations-Lanier	2,955	10,879	25,000	(14,121)	1,625	6,794
<b>Total Parking</b>	<b>\$ 46,949</b>	<b>\$ 206,391</b>	<b>\$ 335,000</b>	<b>\$ (128,609)</b>	<b>\$ 25,355</b>	<b>\$ 132,255</b>
<b>Total Revenue before Transfers</b>	<b>\$ 200,055</b>	<b>\$ 571,254</b>	<b>\$ 6,533,920</b>	<b>\$ (5,962,666)</b>	<b>\$ 147,984</b>	<b>\$ 437,064</b>
<b>Other Financing Sources</b>						
Transfer from Sanitation Fund	\$ 25,500	\$ 25,500	\$ 102,000	\$ (76,500)	\$ 24,500	\$ 24,500
Transfer from Accommodations Tax Fund	-	-	55,000	(55,000)	-	-
Transfer from A-Tax Contractual Services	49,790	49,790	193,650	(143,860)	-	-
Transfer from Hospitality	43,750	43,750	175,000	(131,250)	43,750	43,750
Transfer from Local Accommodations Tax	37,500	37,500	150,000	(112,500)	37,500	37,500
	-	-	-	-	-	-
<b>Total Other Financing Sources</b>	<b>\$ 156,540</b>	<b>\$ 156,540</b>	<b>\$ 675,650</b>	<b>\$ (519,110)</b>	<b>\$ 105,750</b>	<b>\$ 105,750</b>
<b>Total Revenues &amp; Other Financing Sources</b>	<b>\$ 356,595</b>	<b>\$ 727,794</b>	<b>\$ 7,209,570</b>	<b>\$ (6,481,776)</b>	<b>\$ 253,734</b>	<b>\$ 542,814</b>

**Town of Surfside Beach  
Special Revenue Funds  
September 30, 2021**

**Accommodations Fund**

	September 2021	YTD 2021-2022	FY 21-22 Budget	Over (Under) Budget	September 2020	YTD 2020-2021
<b>Revenue</b>						
Accommodations Tax	\$ -	\$ -	\$ 625,000	\$ (625,000)	\$ 183,502	\$ 481,452
Special Events/Donations	-	-	3,000	(3,000)	-	-
Sale of Fixed Assets	-	-	-	-	-	-
Interest Income	-	22	800	(778)	18	55
Total Revenues	\$ -	\$ 22	\$ 628,800	\$ (628,778)	\$ 183,520	\$ 481,507
<b>Expenditures</b>						
Police	\$ 211	\$ 1,730	\$ 50,000	\$ (48,270)	\$ 832	\$ 1,524
Fire	-	-	-	-	-	-
Utilities	-	-	-	-	-	-
Special Events	-	-	18,000	(18,000)	193	193
Advertising - MB Chamber (30%)	-	-	165,000	(165,000)	-	-
Grants/Materials & Supplies	-	-	12,500	(12,500)	-	7,500
Professional Services	-	-	-	-	-	-
Fireworks Display	-	-	-	-	-	-
Advertising & Promotion	-	-	12,000	(12,000)	585	1,665
Capital Equipment	-	-	26,000	(26,000)	-	-
Capital Projects - Restrooms	-	-	-	-	-	-
Transfer to General Fund	49,790	49,790	55,000	(5,210)	-	-
Transfer to General Contractual	-	-	193,650	(193,650)	-	-
Transfer to Beach Renourishment	-	-	75,000	-	-	-
Transfer to Pier	-	-	10,000	(10,000)	-	-
Total Expenditures	\$ 50,001	\$ 51,520	\$ 617,150	\$ (490,630)	\$ 1,610	\$ 10,882
Net Change in Fund Balance	\$ (50,001)	\$ (51,498)	\$ 11,650	\$ (138,148)	\$ 181,910	\$ 470,625
Beginning Fund Balance 7/01/2021 Actual		\$ 213,577				
Ending Fund Balance		\$ 162,079				

**Town of Surfside Beach  
Special Revenue Funds  
September 30, 2021**

**Hospitality Fund**

	<b>September 2021</b>	<b>YTD 2021-2022</b>	<b>FY 21-22 Budget</b>	<b>Over (Under) Budget</b>	<b>September 2020</b>	<b>YTD 2020-2021</b>
<b>Revenue</b>						
Hospitality Fees	\$ 136,175	\$ 382,405	\$ 880,000	\$ (497,595)	\$ 88,344	\$ 213,750
Hospitality - HC Settlement	417,633	417,633	380,000			
Hospitality - HC Fee	189,242	456,363	640,000			
Interest Income	-	167	4,000	(3,833)	270	725
Grant/Misc/Veteran's Wall	150	450	17,150	(16,700)	-	100
<b>Total Revenues</b>	<b>\$ 743,200</b>	<b>\$ 1,257,018</b>	<b>\$ 1,921,150</b>	<b>\$ (518,128)</b>	<b>\$ 88,614</b>	<b>\$ 214,575</b>
<b>Expenditures</b>						
Police	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fire	-	-	3,000	(3,000)	-	-
Grounds	-	-	15,000	(15,000)	-	-
Streets	-	-	16,500	(16,500)	-	-
HC Fee	1,524	4,196	8,000	(3,804)	-	-
Capital Police	5,672	5,672	55,700	(50,028)		
Capital Grounds	-	-	75,000	-	-	-
Veteran's Memorial	105	331	5,500	(5,169)	49	151
Transfer to General Fund	43,750	43,750	175,000	(131,250)	43,750	43,750
Transfer to Capital Beach Renourish	-	-	75,000	(75,000)	-	-
Transfer to Pier	308,750	308,750	1,235,000	(926,250)	-	-
Transfer to Pier	255,000	255,000	1,020,000	(765,000)	-	-
	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>\$ 614,801</b>	<b>\$ 617,699</b>	<b>\$ 2,683,700</b>	<b>\$ (1,991,001)</b>	<b>\$ 43,799</b>	<b>\$ 43,901</b>
<b>Net Change in Fund Balance</b>	<b>\$ 128,399</b>	<b>\$ 639,319</b>	<b>\$ (762,550)</b>	<b>\$ 1,472,873</b>	<b>\$ 44,815</b>	<b>\$ 170,674</b>
Beginning Fund Balance 7/01/2021 Actual		\$ 1,172,291				
Ending Fund Balance		\$ 1,811,610				

**Local Accommodations Fund**

	<b>September 2021</b>	<b>YTD 2021-2022</b>	<b>FY 21-22 Budget</b>	<b>Over (Under) Budget</b>	<b>September 2020</b>	<b>YTD 2020-2021</b>
<b>Revenue</b>						
Local Accommodations Tax	\$ 33,843	\$ 103,024	\$ 195,000	\$ (91,976)	\$ 297,951	\$ 297,951
HC Settlement	104,408	104,408	95,000	9,408		
HC Fee	41,729	106,679	160,000	(53,321)		
Interest Income	-	239	2,000	(1,761)	295	514
<b>Total Revenues</b>	<b>\$ 179,980</b>	<b>\$ 314,350</b>	<b>\$ 452,000</b>	<b>\$ (137,650)</b>	<b>\$ 298,246</b>	<b>\$ 298,465</b>
<b>Expenditures</b>						
<b>HC Fee</b>	<b>\$ 785</b>	<b>\$ 1,435</b>	<b>\$ 1,750</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Transfer to Pier	590,000	590,000	1,329,000	(739,000)	-	-
Transfer to General Fund	37,500	37,500	150,000	-	-	-
	\$ 628,285	\$ 628,935	\$ 1,480,750	\$ (739,000)	\$ -	\$ -
<b>Net Change in Fund Balance</b>	<b>\$ (448,305)</b>	<b>\$ (314,585)</b>	<b>\$ (1,028,750)</b>	<b>\$ 601,350</b>	<b>\$ 298,246</b>	<b>\$ 298,465</b>
Beginning Fund Balance 7/01/2021 Actual		\$ 1,776,976				
Ending Fund Balance		\$ 1,462,391				

**Town of Surfside Beach  
Capital Projects Fund  
September 30, 2021**

<b>Capital Projects Fund</b>	<b>September 2021</b>	<b>YTD 2021-2022</b>	<b>FY 21-22 Budget</b>	<b>Over (Under) Budget</b>	<b>September 2020</b>	<b>YTD 2020-2021</b>
<b>Revenue</b>						
Interest Income	\$ 44	\$ 226	\$ 2,000	\$ (1,774)	\$ 350	\$ 762
Horry County Road Fee	-	-	120,000	(120,000)	-	-
CTC Reimbursement	-	-	300,000	(300,000)	-	-
Misc Income	-	-	-	-	-	-
	-	-	-	-	-	-
<b>Total Revenue</b>	<b>\$ 44</b>	<b>\$ 226</b>	<b>\$ 422,000</b>	<b>\$ (421,774)</b>	<b>\$ 350</b>	<b>\$ 762</b>
<b>Expenditures</b>						
Fire Hydrant	\$ -	\$ -	\$ 43,000	\$ (43,000)	\$ -	\$ -
Grounds	-	-	-	-	-	-
Streets	-	-	-	-	-	-
Capital-Street Improvements	-	-	430,000	(430,000)	-	-
3rd Ave S Streetscape	-	-	-	-	-	-
	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 473,000</b>	<b>\$ (473,000)</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Other Financing Sources</b>						
Transfer from General Fund	\$ -	\$ -	\$ 43,000	\$ (43,000)	\$ -	\$ -
Beach Renourishment Hospitality	-	-	75,000	(75,000)	-	-
Beach Renourishment A-Tax	-	-	75,000	(75,000)	-	-
	-	-	-	-	-	-
<b>Total Other Financing Sources</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 193,000</b>	<b>\$ (193,000)</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Net Change in Fund Balance</b>	<b>\$ 44</b>	<b>\$ 226</b>	<b>\$ 142,000</b>	<b>\$ (141,774)</b>	<b>\$ 350</b>	<b>\$ 762</b>
Beginning Fund Balance 7/01/2021 Actual		\$ 1,380,645				
Ending Fund Balance		\$ 1,380,871				
	Fund Balances 7/1/2021	Milage, Grants, Interest, Reimbursement	Transfers	Expenditures	Ending Balances	
<b>Beach Renourishment</b>	\$ 721,222	226	-	-	<b>\$ 721,448</b>	
<b>Underground</b>	141,399	-	-	-	<b>141,399</b>	
<b>Street Improvements</b>	517,311	-	-	-	<b>517,311</b>	
<b>Hydrants</b>	713	-	-	-	<b>713</b>	
	\$ 1,380,645	\$ 226	\$ -	\$ -	<b>\$ 1,380,871</b>	

**Town of Surfside Beach**

**Stormwater Utility Fund**

**September 30, 2021**

	<b>September 2021</b>	<b>YTD 2021-2022</b>	<b>FY 21-22 Budget</b>	<b>Over (Under) Budget</b>	<b>September 2020</b>	<b>YTD 2020-2021</b>
<b>Stormwater Fund</b>						
<b>Revenue</b>						
Stormwater Tax	\$ 2,986	\$ 8,454	\$ 462,000	\$ (453,546)	\$ 1,483	\$ 2,497
Interest Income	-	90	2,000	(1,910)	121	247
Other Income Grant SCMIRF	-	4,000	-	4,000	-	-
Transfer From Other Funds	-	-	-	-	-	-
Transfer From Capital Projects	-	-	-	-	-	-
<b>Total Revenues</b>	<b>\$ 2,986</b>	<b>\$ 12,544</b>	<b>\$ 464,000</b>	<b>\$ (451,456)</b>	<b>\$ 1,604</b>	<b>\$ 2,744</b>
<b>Expenditures</b>						
Travel & Training	\$ 285	\$ 10,675	\$ 20,000	\$ (9,325)	\$ -	\$ 10,395
Operation of Motor Vehicles	-	1,434	3,000	(1,566)	48	48
Utilities	1,198	3,341	12,000	(8,659)	1,072	2,215
Horry County Processing Fee	9	25	1,860	(1,835)	6	10
Materials & Supplies	44	6,879	25,200	(18,321)	1,222	3,969
Professional Services	-	-	51,500	(51,500)	-	-
Vehicle Insurance	15	45	180	(135)	15	30
Capital - Land Improvements	-	-	-	-	-	-
Capital - Drainage Improvements	-	-	825,000	(825,000)	14,000	14,000
Capital - Motor Vehicles	-	-	-	-	-	-
Capital - Infrastructure Swash Bridge	94,428	186,779	-	-	-	-
Capital - Other Equipment	-	18,135	-	18,135	-	-
<b>Total Expenditures</b>	<b>\$ 95,979</b>	<b>\$ 227,313</b>	<b>\$ 938,740</b>	<b>\$ (898,206)</b>	<b>\$ 16,363</b>	<b>\$ 30,667</b>
<b>Net Change in Fund Balance</b>	<b>\$ (92,993)</b>	<b>\$ (214,769)</b>	<b>\$ (474,740)</b>	<b>\$ 446,750</b>	<b>\$ (14,759)</b>	<b>\$ (27,923)</b>
Beginning Fund Balance 7/01/2021 Actual		\$ 672,694				
Ending Fund Balance		\$ 457,925				

Town of Surfside Beach						
Pier Fund						
September 30, 2021						
Pier Enterprise Fund						
	September	YTD	FY 21-22	Over (Under)	September	YTD
	2021	2021-2022	Budget	Budget	2020	2020-2021
<b>Revenue</b>						
Income Rents/Leases	\$ -	\$ -	\$ -	\$ -	\$ 22,500	\$ 33,750
Interest Income	-	585	5,000	(4,415)	356	1,034
FEMA	-	956,570	6,657,000	(5,700,430)	71,642	71,642
SC Parks and Tourism Grant	500,000	500,000	-	500,000		
Miscellaneous			10,500	(10,500)		
Parking Fees Lanier	-	-	-	-	15,731	67,747
Parking Citations Lanier	-	-	-	-	875	3,659
Operating Revenue	\$ 500,000	\$ 1,457,155	\$ 6,672,500	\$ (5,215,345)	\$ 111,104	\$ 177,832
Transfer From Hospitality	\$ 563,750	\$ 563,750	\$ 2,255,000	\$ (1,691,250)		
Transfer From Local A-Tax	590,000	590,000	1,329,000	(739,000)		
Transfer From A-Tax	-	-	10,000	(10,000)	-	-
Total Transfers In	\$ 1,153,750	\$ 1,153,750	\$ 3,594,000	\$ (2,440,250)	\$ -	\$ -
<b>Total Revenues</b>	\$ 1,653,750	\$ 2,610,905	\$ 10,266,500	\$ (7,655,595)	\$ 111,104	\$ 177,832
<b>Expenses</b>						
Lanier Bank Fees	\$ -	\$ -	\$ -	\$ -	\$ 935	\$ 3,236
Property Insurance	-	-	-	-		
Lanier Parking Expenses	-	-	-	-	5,355	18,027
Operating Expenses	-	-	-	-		1,119
Professional Services	-	-	100,000	(100,000)	25,525	29,460
Insurance	-	-	-	-	303	303
Depreciation	-	-	-	-	14,267	14,267
Loss on Sale of Fixed Asset	-	-	-	-	-	-
Cost of Issuance	-	-	-	-	-	-
Interest Expense			87,200	(87,200)		
<b>Total Expenses</b>	\$ -	\$ -	\$ 187,200	\$ (187,200)	\$ 46,385	\$ 66,412
<b>Change in Net Position</b>	\$ 1,653,750	\$ 2,610,905	\$ 10,079,300	\$ (7,468,395)	\$ 64,719	\$ 111,420
<b>Capital Purchases</b>			\$ 13,100,000			
<b>Total Net Position - Beginning 7/01/2021 Actual</b>		\$ 6,988,209				
<b>Total Net Position - Ending</b>		\$ 9,599,114				



**Town of Surfside Beach  
Pier Reconstruction Costs  
September 30, 2021**

<b>Consensus Payments</b>	Month Paid	Total Cost	Retainage	Net	Paid to Date	
Construction Payment #11	Sep-21	\$ 396,116	\$ 16,287	\$ 379,829	\$ 3,774,120	
Construction Payment #12	Sep-21	\$ 106,448	\$ -	\$ 106,448	\$ 3,880,568	
Construction Payment #13	Oct-21	\$ 424,587	\$ 11,138	\$ 413,449	\$ 4,294,017	
<b>Costs to Date</b>						
Preconstruction	\$ 989,076					
Construction (Consensus)	4,294,017					
Retainage	145,629					
Inspections	45,757					
Collins	105,894					
Hagerty	7,654					
Interest & Legal	30,271		Description	Pier	Building/TOSB	Total
Insurance	315,672		Spent to date	\$ 5,181,114	\$ 586,881	\$ 5,767,995
Total Cost to date	<b>\$ 5,933,970</b>		Retainage	140,148	5,480	145,628
			Total	\$ 5,321,262	\$ 592,361	\$ 5,913,623
<b>Grant From FEMA</b>						
Grant Funds as of 7-15-2021			Interest			\$ 20,347
FEMA Grant Total	\$ 9,947,221		Total Spent			<b>\$ 5,933,970</b>
Reimbursed by FEMA to Date	3,554,854					
Pending FEMA	1,980,090					
Remaining Grant Available for Pier	\$ 4,412,277					
Reimbursement from FEMA	\$ 9,947,221					
Estimated Transfer from Other Funds	2,795,000					
Estimated Funds From Horry County	1,000,000					
Bond Proceeds	4,000,000					
PRT Grant Applied 9-2021	500,000					
Funds Available	\$ 18,242,221					
<b>Total Project Projected Costs</b>						
	<b>Pier</b>	<b>Building</b>	<b>Total</b>			
Consensus	\$ 12,050,000	\$ 2,600,000	\$ 14,650,000			
Alternate	(1,500,000)	-	(1,500,000)			
Accepted Bid	\$ 10,550,000	\$ 2,600,000	\$ 13,150,000			
Change order 01	1,385,231	-	1,385,231			
Change Order 4/13	50,217	68,000	118,217			
Change Order 03 Piles	106,448	-	106,448			
Change Order	12,082	-	12,082			
Construction Cost	\$ 12,103,978	\$ 2,668,000	\$ 14,771,978			
Insurance	-	315,672	315,672			
Total Consensus	\$ 12,103,978	\$ 2,983,672	\$ 15,087,650			
Preconstruction	\$ 881,419	\$ 107,657	\$ 989,076			
<b>Anticipated Costs</b>						
Inspectors	\$ 98,450	\$ -	\$ 98,450			
Inspectors	7,500	-	7,500			
Collins	98,460	-	98,460			
Hagerty	10,000	-	10,000			
Contingency	500,000	500,000	1,000,000			
Interest & Principal	-	398,147	398,147			
Anticipated Costs	\$ 714,410	\$ 898,147	\$ 1,612,557			
Total Est. Cost	<b>\$ 13,699,807</b>	<b>\$ 3,989,476</b>	<b>\$ 17,689,283</b>			

Town of Surfside Beach						
Enterprise Funds						
September 30, 2021						
Sanitation Fund						
	September	YTD	FY 21-22	Over (Under)	September	YTD
	2021	2021-2022	Budget	Budget	2020	2020-2021
<b>Revenue</b>						
Sanitation Fees	\$ 119,480	\$ 449,608	\$ 1,470,000	\$ (1,020,392)	\$ 162,513	\$ 326,792
Interest Income	26	373	7,000	(6,627)	625	1,271
Grant & FEMA	9,100	9,100	10,000	(900)	-	-
PEBA Reimbursement	3,605	3,605	-	3,605	-	-
Sale of Scrap	-	1,221	3,000	(1,779)	-	-
Misc Income	-	-	-	-	-	-
Sale of Fixed Assets	-	-	-	-	-	-
<b>Total Revenues</b>	<b>\$ 132,211</b>	<b>\$ 463,907</b>	<b>\$ 1,490,000</b>	<b>\$ (1,026,093)</b>	<b>\$ 163,138</b>	<b>\$ 328,063</b>
<b>Expenses</b>						
Salaries & Operating Expenses	\$ 106,144	\$ 324,384	\$ 1,206,640	\$ (882,256)	\$ 84,422	\$ 171,577
Depreciation Expense	37,638	37,638	160,000	(122,362)	-	-
Transfer to General Fund	25,500	25,500	102,000	(76,500)	-	-
<b>Total Expenses</b>	<b>\$ 169,282</b>	<b>\$ 387,522</b>	<b>\$ 1,468,640</b>	<b>\$ (1,081,118)</b>	<b>\$ 84,422</b>	<b>\$ 171,577</b>
<b>Change in Net Position</b>	<b>\$ (37,071)</b>	<b>\$ 76,385</b>	<b>\$ 21,360</b>	<b>\$ 55,025</b>	<b>\$ 78,716</b>	<b>\$ 156,486</b>
<b>Capital Purchase</b>						
Total Net Position - Beginning 7/01/2020 Actual		\$ 2,534,273				
Total Net Position - Ending		\$ 2,610,658				

**Town of Surfside Beach**  
**Lanier Parking Revenue & Expenses**  
**September 30, 2021**

**General & Pier Fund**

	September	YTD	FY 21-22	Over (Under)	September	YTD
	2021	2021-2022	Budget	Budget	2020	2020-2021
<b>Revenue</b>						
Meter/Paystations	\$ 43,994	\$ 195,512	\$ 310,000	\$ (114,488)	\$ 39,461	\$ 193,208
Citations	2,955	10,878	25,000	(14,122)	2,500	10,453
<b>Total Revenues</b>	<b>\$ 46,949</b>	<b>\$ 206,390</b>	<b>\$ 335,000</b>	<b>\$ (128,610)</b>	<b>\$ 41,961</b>	<b>\$ 203,661</b>
<b>Expenses</b>						
Contractual Services Lanier	\$ 18,500	\$ 61,113	\$ 165,300	\$ (104,187)	\$ 15,300	\$ 51,506
Other Parking Expenses	3,237	11,286	16,780	(5,494)	2,731	9,359
<b>Total Expenses</b>	<b>\$ 21,737</b>	<b>\$ 72,399</b>	<b>\$ 182,080</b>	<b>\$ (109,681)</b>	<b>\$ 18,031</b>	<b>\$ 60,865</b>
<b>Change in Net Position</b>	<b>\$ 25,212</b>	<b>\$ 133,991</b>	<b>\$ 152,920</b>	<b>\$ (18,929)</b>	<b>\$ 23,930</b>	<b>\$ 142,796</b>
Month	General Fund			Pier Fund		
	Revenue	Expenses	Net	Revenue	Expenses	Net
July-21	89,127	27,224	61,903	-	-	-
September-21	70,314	23,438	46,876	-	-	-
September-21	46,949	21,737	25,212	-	-	-
October-21	-	-	-	-	-	-
November-21	-	-	-	-	-	-
December-21	-	-	-	-	-	-
January-22	-	-	-	-	-	-
February-22	-	-	-	-	-	-
March-22	-	-	-	-	-	-
April-22	-	-	-	-	-	-
May-22	-	-	-	-	-	-
June-22	-	-	-	-	-	-
<b>Totals</b>	<b>\$ 206,390</b>	<b>\$ 72,399</b>	<b>\$ 133,991</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



**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

\_\_\_\_\_  
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) CHAPTER 17, ARTICLE VII LANDSCAPING AND TREE PROTECTION,  
TOWN OF SURFSIDE BEACH ) DIVISION 2 TREE PROTECTION

**ARTICLE VII. - LANDSCAPING AND TREE PROTECTION**

**Sec. 17-700. - Intent.** This article is to establish requirements for landscaping and afford protection to all trees, especially those defined as protected, specimen, or landmark trees on developed and undeveloped residential and commercial property. A zoning permit indicating approval by town staff may be required before tree pruning or removal is undertaken.

**DIVISION 2. - TREE PROTECTION**

**Sec. 17-720. - Exemptions from this article.**

Electric utilities are exempt from the permitting process for the pruning and/or removal of a tree when necessary to correct a hazardous situation or to eliminate tree or wire conflicts that have the potential to interfere with power reliability upon notification and approval of the town's code enforcement official.

**Sec. 17-721. - Contractor/property owner affidavit required.**

The removal of trees requiring a zoning permit shall be performed by a licensed, bonded, and insured tree removal company. In the event a property owner chooses to remove the tree(s) by himself, a hold harmless agreement shall be executed and filed with the town.

**Sec. 17-722. - Regulations and classifications.**

The regulations of Division 2 Tree Protection are divided into three (3) classifications:

- (1) Owner of existing residence;
- (2) Owner of existing commercial property (with primary structure);
- (3) Development of vacant property (residential or commercial), redevelopment, major addition, or pool; **or,**
- (4) In all cases, the code enforcement official shall determine if conditions are met.

**Sec. 17-723. - Owner of existing residence.**



(a) Tree and measurement requirements for residentially zoned properties.

<b>Table 17-723.1</b> <b>MINIMUM NUMBER OF REQUIRED TREES AND DIAMETER &amp; CIRCUMFERENCE BY ZONING DISTRICT*</b>			
Zoning District	Number of Required Trees (minimum)	Minimum Diameter measured 2' from ground (all trees)	Minimum Diameter per lot (all trees)
R-1	5 trees per lot	3 inches	60 inches
R-2	5 trees per lot	3 inches	40 inches
R-3	3 trees per lot	3 inches	30 inches

The intent of requiring a minimum number of diameter inches per lot is not to force additional new trees to be planted, but to encourage existing trees to be preserved. Mature trees are already beneficial to the town and can be counted towards the required 60", 40", and 30", respectively.

(b) **Applicability.** Nonconforming lots that do not contain the number of trees or cumulative measurement requirements may continue pursuant to the provisions of this chapter. Any change shall immediately require compliance with the minimum number of trees listed in Table 17-723.1.

(c) **Reduction authorized.** A reduction is limited to one (1) tree or twenty (20) percent of the number of trees required for a lot, whichever is greater. The code enforcement official may, consistent with the requirements of this section, authorize a reduction in the number of required trees from the terms of section 17-723.1 if:

- (1) The lot is nonconforming in area; or
- (2) The lot contains a landmark tree and the placement of the required tree would interfere with its healthy growth; or
- (3) The replacement tree would interfere with a public street, sidewalk, drainage or utility easement.

(d) **Appeals.** Appeals regarding code enforcement decisions shall be made to the board of zoning appeals pursuant to section 17-223. The board of zoning appeals may grant a variance to provide additional relief from the terms of this article, subject to the requirements imposed by section 17-222.

**Sec. 17-723.2. - Zoning permit required for EXISTING RESIDENCE.**

**No permit.** A zoning permit is not required for the removal of trees under eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground, or for the pruning of limbs under eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the tree trunk.

**Permit required.** Issuance of a no-fee zoning permit is required prior to removal of trees over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground, and for the pruning of limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the tree trunk.

**Sec. 17-723.3. - Guidelines for pruning limbs or removal of common trees for an existing residence.**

**Trees or limbs over eight (8) inches.** When trees or limbs exceed eight (8) inches in diameter or twenty-five (25) inches in circumference a no-fee permit is required and will be issued as long as one (1) of the following conditions is met:

- (1) The property owner wishes to thin or remove existing common trees from the property to allow for the proper growth of remaining trees or to enhance the overall appearance of the landscaped area.
- (2) The tree(s) poses a safety hazard to pedestrians or vehicle traffic;
- (3) The tree poses a hazard to building or utilities, including foundations or driveways in the near future; or
- (4) The tree is any variety of pine other than a long leaf; or
- (5) The tree is within ten (10) feet of the primary structure, foundation or driveway; or
- (6) The tree is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people, buildings or other improvements.

**Tree replacement.** If the removal does not maintain the required number of trees, common trees may be replaced with another common tree.

**Sec. 17-723.4. - Guidelines for pruning or removal of protected and specimen trees for an existing residence.**

**Trees or limbs over eight (8) inches.** With the issuance of a no-fee permit, protected or specimen trees or limbs exceed eight (8) inches in diameter or twenty-five (25) inches in circumference a no-fee permit is required and will be issued as long as one (1) of the following conditions are met:

- (1) Tree(s) pose a safety hazard to pedestrians or vehicle traffic;
- (2) Tree(s) can be expected to pose a hazard to building or utilities, including trees within ten (10) feet of the primary structural foundation;
- (3) The tree is diseased, dead, or weakened by age, storm, fire, or other injury, which is a source of hazard to people, buildings, or other improvements on a lot.

**Replacement trees.** If the removal does not maintain the required number of trees, only trees listed in Table 17-750 shall be authorized for planting to replace protected and specimen trees.

**Sec. 17-723.5. - Guidelines for pruning or removal of landmark trees for an existing residence.**

- (a) **Trimming or pruning.** Issuance of a no-fee permit shall be required before any trimming or pruning of landmark limbs. Landmark tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet inches from the trunk shall not be removed unless one (1) or more of the following conditions is met:
- (1) Limb(s) pose a safety hazard to pedestrians or vehicle traffic;
  - (2) Limbs pose or can be expected to pose a hazard to building or utilities,
  - (3) The tree limb is diseased, dead or weakened by age, storm, fire or other injury, which is a source of hazard to people, buildings or other improvements on a lot.
- (b) **Removal.** Prior to the removal of a landmark tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect, or engineer must be submitted to the planning, building and zoning department stating one (1) or more of the reasons listed below that require(s) the tree(s) be removed.
- (1) Tree(s) pose a safety hazard to pedestrians or vehicle traffic;
  - (2) Tree poses or can be expected to pose a hazard to primary structure, including foundation or utilities, or
  - (3) The tree is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people, or primary building.
  - (4) Foundation damage caused or likely. When a landmark tree is within ten (10) feet of a primary residence foundation, and can be expected to cause foundation damage the code enforcement official may approve the removal without requiring an arborist letter.

**Replacement trees.** If the removal does not maintain the required number of trees, only those trees listed in Table 17-750 shall be authorized for planting to replace a landmark tree.

**Other requests.** Requests for the removal of a landmark tree in order to place a pool, accessory structure, or any other type use other than primary residence shall require approval from the board of zoning appeals. The planning, building and zoning department will expedite the appeal process as much as state law allows.

**Sec. 17-724. – COMMERCIAL PROPERTY with primary structure.**

- (a) Tree and measurement requirements for commercially zoned properties.

<b>Table 17-724.1</b>			
<b>MINIMUM NUMBER OF REQUIRED TREES &amp; DIAMETER / CIRCUMFERENCE BY ZONING DISTRICT*</b>			
Zoning District	Number of Required Trees (minimum)	Minimum Diameter measured 2' from ground (all trees)	Minimum Circumference measured 2' from ground (all trees)
MU	4 trees per lot	40 inches	125 inches

LLI	4 trees per lot	40 inches	125 inches
C1	Shall meet the requirements of Article IX (Design Overlay District)		
C2	No Planting Required	N/A	
C3	3 trees per lot	30 inches	94 inches

(b) **Applicability.** Nonconforming lots that do not contain the number of trees or cumulative measurement requirements may continue pursuant to the provisions of this chapter. Any change shall immediately require compliance with the minimum number of trees requirement of Table 17-724.1.

(c) **Reduction authorized.** A reduction is limited to one (1) tree or twenty (20) percent of the number of trees required for a lot, whichever is greater. The code enforcement official may, consistent with the requirements of this section, authorize a reduction in the number of required trees from the terms of section 17-723.1 if:

- (1) The lot is nonconforming in area; or
- (2) The lot contains a landmark tree and the placement of the required tree would interfere with its healthy growth; or
- (3) The replacement tree would interfere with a public street, sidewalk, drainage or utility easement.

(d) **Appeals.** Appeals regarding code enforcement decisions shall be made to the board of zoning appeals pursuant to section 17-223. The board of zoning appeals may grant a variance to provide additional relief from the terms of this article, subject to the requirements imposed by section 17-222.

**Sec. 17-724.2. - Zoning permit required for commercial property with primary structure.**

**No permit.** A zoning permit is not required for the removal of trees under eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground, or for the pruning of limbs under eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the tree trunk.

**Permit required.** Issuance of a no-fee zoning permit is required prior to removal of trees over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground, and for the pruning of limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the tree trunk.

**Sec. 17-724.3. - Guidelines for pruning or removal of common trees for a commercial property with primary structure.**

With issuance of a no-fee permit before any trimming or pruning is done common trees limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk and common trees eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground may be removed from properties when one or more of the following conditions exist:

- (1) The tree(s) or limb pose a safety hazard to pedestrians or vehicle traffic;
- (2) The tree(s) pose or can be expected to pose a hazard to building or utilities, including foundations; or
- (3) The tree is any variety of pine other than a long leaf; or
- (4) The tree is within ten (10) feet of the primary structure, foundation or driveway; or
- (5) The tree or tree limb is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people, buildings or other improvements on a lot.

**Replacement trees.** If the removal does not maintain the required number of trees, tree replacement shall be required in accordance with article IX of this section or the applicable zoning district. Common trees may be replaced with another common tree.

**Sec. 17-724.4. - Guidelines for pruning or removal of protected or specimen trees for a commercial property with a primary structure.**

**Trees or limbs over eight (8) inches.** With the issuance of a no-fee permit, protected or specimen trees or limbs that exceed eight (8) inches in diameter or twenty-five (25) inches in circumference may be removed as long as one (1) of the following conditions is met:

- (1) Tree(s) pose a safety hazard to pedestrians or vehicle traffic;
- (2) Tree(s) can be expected to pose a hazard to building or utilities, including trees within ten (10) feet of the primary structural foundation;
- (3) The tree is diseased, dead or weakened by age, storm, fire or other injury, which is a source of hazard to people, buildings or other improvements on a lot.

**Replacement trees.** If the removal does not maintain the required number of trees, only trees listed in Table 17-750 shall be authorized for planting to replace protected and specimen trees.

**Sec. 17-724.5. - Guidelines for pruning or removal of landmark trees for a commercial business with a primary structure.**

- (a) **Trimming or pruning.** Issuance of a no-fee permit shall be required before any trimming or pruning of landmark limbs. Landmark tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet inches from the trunk shall not be removed unless one (1) (or more) of the following conditions is met:

- (1) Limb(s) pose a safety hazard to pedestrians or vehicle traffic;
  - (2) Limbs pose or can be expected to pose a hazard to building or utilities,
  - (3) The tree limb is diseased, dead or weakened by age, storm, fire or other injury, which is a source of hazard to people, buildings or other improvements on a lot.
- (b) **Removal.** Prior to the removal of a landmark tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted to the planning, building and zoning department stating one (1) or more of the reasons listed below that require the tree(s) be removed.
- (1) Tree(s) pose a safety hazard to pedestrians or vehicle traffic;
  - (2) Tree poses or can be expected to pose a hazard to primary structure, including foundation or utilities, or
  - (3) The tree is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people, or primary building.
  - (4) Foundation damage caused or likely. When a landmark tree is within ten (10) feet of a primary residence foundation, and can be expected to cause foundation damage the code enforcement official may approve the removal without requiring an arborist letter.

**Replacement trees.** If the removal does not maintain the required number of trees, only those trees listed in Table 17-750 shall be authorized for planting to replace a landmark tree.

**Other request.** Requests for the removal of a landmark tree in order to place a pool, accessory structure, or any other type use other than primary residence shall be submitted to the planning, building and zoning department for a permit. When there is a dispute, the applicant may appeal to the board of zoning appeals for a variance. The planning, building and zoning department will expedite the appeal process as much as state law allows.

**Sec. 17-725. – DEVELOPMENT OF VACANT PROPERTY, redevelopment, or major addition (residential or commercial).**

- (a) Tree and measurement requirements for vacant property, redevelopment, or major addition.

Table 17-725.1 MINIMUM NUMBER OF REQUIRED TREES & DIAMETER/CIRCUMFERENCE BY ZONING DISTRICT*			
Zoning District	Number of Required Trees (minimum)	Minimum Diameter measured 2 feet from ground (total of all trees)	Minimum Circumference measured 2 feet from ground (total of all trees)
R-1	5 trees per lot	3 inches 60 inches	188 inches

R-2	5 trees per lot	<del>3 inches</del> 40 inches	125 inches
R-3	3 trees per lot	<del>3 inches</del> 30 inches	94 inches
MU	4 trees per lot	40 inches	125 inches
LLI	4 trees per lot	40 inches	125 inches
C1	Shall meet the requirements of Article IX (Design Overlay District)		
C2	No Planting Required	N/A	
C3	3 trees per lot	30 inches	94 inches
PD	Specified in the Planned Development Document		
<p><b>NOTE: *For the purposes of administering this section, no tree less than seven three inches (7 3") in diameter (<del>dbh</del>) shall be counted in order to satisfy the minimum number of trees per lot, nor shall the diameter of such tree be counted to satisfy the cumulative inches <del>dbh</del> required per lot. **The minimum inches <del>dbh</del> per lot is the sum of all qualifying trees on the lot. All measurements are made two (2) feet from the ground.</b></p>			

(b) **Applicability.** Nonconforming lots that do not contain the number of trees or cumulative measurement requirements may continue pursuant to the provisions of this chapter. Any change shall immediately require compliance with the minimum number of trees requirement of Table 17-725.1.

(c) **Reduction authorized.** A reduction is limited to one (1) tree or twenty (20) percent of the number of trees required for a lot, whichever is greater. The code enforcement official may, consistent with the requirements of this section, authorize a reduction in the number of required trees from the terms of section 17-723.1 if:

- (1) The lot is nonconforming in area; or
- (2) The lot contains a landmark tree and the placement of the required tree would interfere with its healthy growth; or
- (3) The replacement tree would interfere with a public street, sidewalk, drainage or utility easement.

- (d) **Appeals.** Appeals regarding code enforcement decisions shall be made to the board of zoning appeals pursuant to section 17-223. The board of zoning appeals may grant a variance to provide additional relief from the terms of this article, subject to the requirements imposed by section 17-222.

**Sec. 17-725.2. - Zoning permit required for vacant, development, or major addition (residential or commercial).**

**No permit.** A zoning permit is not required for the removal of trees under eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground, or for the pruning of limbs under eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the tree trunk.

**Permit required.** Issuance of a no-fee zoning permit is required prior to removal of trees over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground, and for the pruning of limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the tree trunk.

**Sec. 17-725.3. - Guidelines for pruning or removal of common trees for vacant, development, redevelopment, or major addition (residential or commercial).**

- (a) **Vacant property not for development.** With the approval of the code enforcement official common tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk and common trees eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground may be removed from properties if one (1) or more of the following conditions exist:

- (1) The tree or limb pose a safety hazard to pedestrians or vehicle traffic;
- (2) Tree or limb poses or can be expected to pose a hazard to utilities;
- (3) The tree is any variety of pine other than a long leaf;
- (4) The tree is within ten (10) feet of the primary structure, foundation or driveway;
- (5) Tree or limb is diseased, dead or weakened by age, storm, fire or other injury, which is a source of hazard to people;
- (6) The property owner wishes to thin or remove existing common trees from the property to allow for the proper growth of remaining trees or to enhance the overall appearance of the landscaped area. Thinning may be authorized provided thinning is limited to forty (40) percent of existing common trees. No protected or landmark tree shall be removed.

- (b) **Development, redevelopment, major addition, pool.** Removal of trees for development purposes, including redevelopment, major addition, or pool installation requires a tree protection plan. A building permit must be issued prior to the removal of any tree located on a lot to be developed, redeveloped or adding a major addition.

With the approval of the code enforcement official common tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk and common trees



eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground may be removed from properties if one (1) or more of the following conditions exist:

- (1) The tree or limb poses a safety hazard to pedestrians or vehicle traffic;
- (2) The tree or limb poses or can be expected to pose a hazard to utilities or primary structure, including foundation; or
- (3) The tree or limb is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people; tree is located within ten (10) feet of the proposed foundation of the proposed primary building, major addition or pool.

**Replacement trees.** If the removal does not maintain the required number of trees, common trees may be replaced with another common tree, except Palmetto trees shall be allowed replacement trees in R2 and R3 districts.

**Sec. 17-725.4. - Guidelines for pruning or removal of protected or specimen trees for vacant, redevelopment or major addition (residential or commercial).**

(a) **Vacant property not for development.** With the issuance of a no-fee permit, protected or specimen limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk or protected or specimen trees over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground may be removed if one or more of the following conditions exist:

- (1) Tree or limb poses a safety hazard to pedestrians or vehicle traffic; or
- (2) The tree or limb is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people.

(b) **Development, redevelopment, major addition, pool.** Removal of trees for development purposes, including redevelopment, major addition or pool requires a tree protection plan. A building permit must be issued prior to the removal of any tree located on a lot to be developed, redeveloped, adding a major addition or installing a pool.

Contractors: Upon payment set forth in Table 13-61a, and with the issuance of a permit, protected or specimen limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk or protected or specimen trees over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground may be removed if one (1) or more of the following conditions exist: and

Property owners: With the issuance of a "no fee permit" protected or specimen limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk or protected or specimen trees over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from the ground may be removed if one (1) or more of the following conditions exist:

- (1) Tree or limb pose a safety hazard to pedestrians or vehicle traffic;
- (2) Tree or limb poses or most likely can be expected to pose a hazard to primary structure, including foundation or utilities, or

- (3) The tree is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people, or primary building.
- (4) If it is determined by a South Carolina licensed surveyor or a South Carolina licensed engineer that the following conditions are present and these conditions are presented to the director of planning, building and zoning as documented:
  - a. Tree being protected or landmark tree cannot in anyway escape the building footprint of a residential or commercial building by movement of the building in any direction.
  - b. The landmark tree would prevent the land from being used either residentially or commercially by the owner, builder or contractor then the following would take place:
    - i. The director of planning, building and zoning and the building official shall verify that the survey data by the South Carolina licensed surveyor or the South Carolina licensed engineer is factual.
    - ii. The owner, builder or contractor shall not be required to appear before the board of zoning appeals and the director of planning, building and zoning and code enforcement shall issue a release excusing the owner, builder or contractor from the board of zoning appeals hearing.
    - iii. The owner, builder or contractor shall plant a minimum of four (4) trees with at least two (2) being of the same species as the landmark tree removed. The trees planted as replacement trees shall meet the guidelines set forth in section 17-750. Tree replacement for permitted tree removal shall be planted prior to final inspection and certificate of occupancy is issued.

**Replacement trees.** If the removal does not maintain the required number of trees, only those trees listed in Table 17-750 shall be authorized for planting to replace protected, or specimen trees, except Palmetto trees shall be allowed replacement trees in R2 and R3 districts.

**Sec. 17-725.5. - Guidelines for pruning or removal of landmark trees for vacant, redevelopment, or major addition (residential or commercial).**

- (a) **Vacant property not for development.** Trimming or pruning. With the approval of the code enforcement official landmark tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk may be removed if one (1) or more of the following conditions exist:
  - (1) Limb(s) poses a safety hazard to pedestrians or vehicle traffic;
  - (2) Limb(s) poses or can be expected to pose a hazard to utilities; or
  - (3) The limb is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people.

**Removal.** Prior to the removal of a landmark tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted to the planning, building and zoning department stating one or more of the reasons listed below that require the tree(s) be removed.

- (1) Tree(s) poses a safety hazard to pedestrians or vehicle traffic;

- (2) Tree(s) poses or can be expected to pose a hazard to utilities, or
  - (3) The tree is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people.
- (b) **Development, redevelopment, major addition, pool.** Trimming or pruning. With the approval of the code enforcement official and issuance of a no-fee permit, landmark tree limbs over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) inches from the trunk may be removed if one (1) or more of the following conditions exist:
- (1) Limb(s) poses a safety hazard to pedestrians or vehicle traffic;
  - (2) Limb(s) poses or can be expected to pose a hazard to utilities; or
  - (3) The limb is diseased, dead or weakened by age, storm, fire or other injury, which is a source of hazard to people, buildings or other improvements on a lot.

**Removal.** Removal of trees for development purposes, including redevelopment, major addition or pool requires a tree protection plan. A building permit must be issued prior to the removal of any tree located on a lot to be developed, redeveloped, adding a major addition or installation of a pool.

Prior to the removal of a landmark tree a letter from an ISA certified arborist, South Carolina registered forester, landscape architect, architect or engineer must be submitted to the planning, building and zoning department stating one (1) or more of the reasons listed below that require the tree(s) be removed:

- (1) Tree(s) poses a safety hazard to pedestrians or vehicle traffic;
- (2) Tree(s) poses or can be expected to pose a hazard to utilities, or
- (3) The tree is diseased, dead or weakened by age, storm, fire or other injury which is a source of hazard to people, buildings or other improvements on a lot.
- (4) If it is determined by a South Carolina licensed surveyor or a South Carolina licensed engineer that the following condition are present and these conditions are presented to the director of planning, building and zoning as documented:
  - a. Tree being protected or landmark tree cannot in anyway escape the building footprint of a residential or commercial building by movement of the building in any direction.
  - b. The landmark tree would prevent the land from being used either residentially or commercially by the owner, builder or contractor then the following would take place:
    - i. The director of planning, building and zoning and the building official shall verify that the survey data by the South Carolina licensed surveyor or the South Carolina licensed engineer is factual.
    - ii. The owner, builder or contractor shall not be required to appear before the board of zoning appeals and the director of planning, building and zoning and code enforcement shall issue a release excusing the owner, builder or contractor from the board of zoning appeals hearing.
    - iii. The owner, builder or contractor shall plant a minimum of four (4) trees with at least two (2) being of the same species as the landmark tree removed. The trees planted as replacement trees shall meet the guidelines set forth in section 17-750. Tree

replacement for permitted tree removal shall be planted prior to final inspection and certificate of occupancy is issued.

**Replacement trees.** If the removal does not maintain the required number of trees only those trees listed in Table 17-750 shall be authorized for planting to replace landmark trees.

**Other requests.** Requests for the removal of a landmark tree in order to place a pool, accessory structure, or any use other than the primary structure shall be required to obtain approval from the board of zoning appeals. The planning, building and zoning department will expedite the appeal process as much as state law allows.

**Sec. 17-726. - Tree protection during clearing, grubbing, and development.**

During development there shall be erected and maintained suitable protective barriers around all trees to be retained to prevent damage thereto. The code enforcement official shall be consulted regarding the specific type(s) of barrier(s) to be used. Protective measures may not be removed until construction is complete. No other types of disturbance or construction shall be allowed under the drip line.

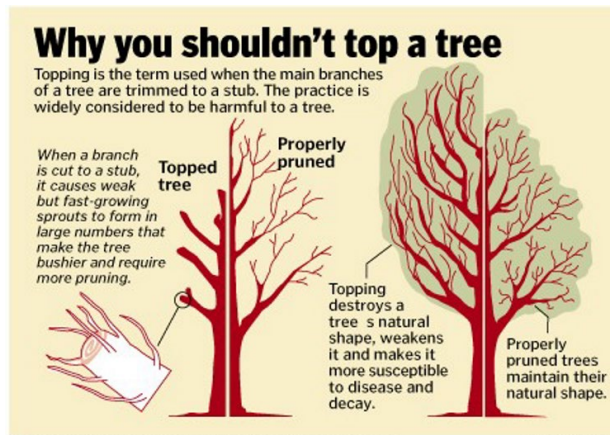
**Sec. 17-727. - Public tree care.**

The Town of Surfside Beach shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, boulevards, drives, public rights-of-way, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The code enforcement official or the public works director may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or which is infected with any injurious fungus, insect, or other pest. The installation of trees and/or landscaping shall meet all requirements of other applicable ordinances of the town.

**Sec. 17-728. - Tree topping.**

It shall be unlawful for any person, firm, or town department to top any tree on public or private property. "Topping" is defined as the severe cutting back of limbs to the stubs larger than eight (8) inches in diameter within the trees crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the code enforcement official or the public works director. Crepe Myrtles shall be exempt from this section of the article.



**Sec. 17-729. - Tree protection plan.**

All applications for building permits for development, redevelopment, major additions, or pools shall be accompanied by a tree protection plan. All plans must be approved by the code enforcement official prior to the issuance of a permit. The plan(s) shall be drawn to include all pertinent dimensions and indicate clearly proposed parking, driveways and other vehicular use areas, all proposed buildings and structures, all existing trees eight (8) inches and over in diameter measured two (2) feet from ground and locations of proposed landscaped areas and materials to be used in landscaping. Where more than six (6) inches of soil fill is to be used to bring up lot elevations, the tree protection plan must indicate how existing required trees will be protected.

**Secs. 17-730—17-739. - Reserved.**

**DIVISION 3. - ENFORCEMENT**

**Sec. 17-740. - Penalties.**

The code enforcement officer shall institute appropriate legal action including, but not limited to immediately issuing a stop work order. The stop work shall remain in effect for a minimum of thirty (30) days not to exceed one hundred twenty (120) days. The code enforcement official shall also institute appropriate legal action including imposition of the fines set forth herein.

**Fines.**

Removing limbs over eight (8) inches in diameter and twenty-five (25) inches in circumference measured two (2) inches from trunk without approval and permit shall be five hundred dollars (\$500.00) per limb.

Removing unprotected trees over eight (8) inches in diameter and twenty-five (25) inches in circumference measured two (2) feet from ground without approval and permit shall be five hundred dollars (\$500.00) per tree.

Removing protected or specimen trees over eight (8) inches in diameter or twenty-five (25) inches in circumference measured two (2) feet from ground without approval and permit two thousand five hundred dollars (\$2,500.00) per tree.

Removing landmark trees without approval and permit shall be ten thousand dollars (\$10,000.00) per tree.

In addition to the fines, violators shall be subject to all of the provisions established in section 1-16, General penalty; continuing violations, of the Town's Code of Ordinances. Issuance of a fine or penalty does not relieve any party of complying with the mitigation requirements set forth in section 17-741.

All fines collected as a result of the enforcement of this article shall be placed in the **proposed tree mitigation** general fund.

**Sec. 17-741. - Mitigation required for removal of trees without a permit.**

Any tree removed without a permit must be replaced with equal the inches removed, and shall be replaced with species listed in Table 17-750 of this article.

**Penalty.** When trees cannot be replaced as stated above, a penalty shall be paid that equals the average amount for purchase and planting of replacement trees based on the market rates from three (3) local nurseries. All penalties shall be deposited in the general fund.

Secs. 17-742—17-749. - Reserved.

**DIVISION 4. - DEFINITIONS.**

[Sec. 17-750. - Definitions.]

In addition to the definitions set forth in section 17-007, the following words, terms, and phrases when used in this article shall have the meanings ascribed to them in this section. All other words, terms, and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

*Circumference* shall mean the distance around the tree two (2) feet from ground or limb two (2) inches from trunk.

*Common tree* shall mean any tree not listed in Table 17-750 herein as a protected, specimen or landmark tree.

*Drip line* shall mean that area at the base of the tree where the rain falls from the canopy.

*Major addition* shall mean any addition, the cost of which equals or exceeds forty-eight (48) percent of the tax or certified appraised value of the structure before the start of construction of the improvement.

**Replacement tree shall mean any tree planted in order to satisfy the requirements of Division 2: Tree protection. A minimum circumference or diameter must be met. A replacement tree shall not be removed due to its size without prior approval by the Board of Zoning Appeals.**

***Tree mitigation fund* shall mean an account for any fines associated with the application of Article VII to be deposited into to be used by the Town to plant additional trees and landscaping in the public realm.**

*Tree protection plan* shall mean a plan that identifies the location, size, and species of existing trees and trees targeted for removal including the identification of any tree protection areas and the means of such protection. When new plantings are proposed or required by this article, the tree protection plan shall state the location, size, and species of all trees to be planted on the site.

*Trees: protected, specimen and landmark.* The following trees are designated by the Town of Surfside Beach as either protected, specimen or landmark trees when the diameter and circumference is attained as indicated in Table 17-750 below:

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**Table 17-750 Protected, Specimen, and Landmark Trees**

Tree Name	Protected @	Specimen Tree @	Landmark Tree @
Beech (American)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Birch (River)	6 inches in diameter/19" in circumference but less than	18 inches in diameter/57" in circumference	
Cedar	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Cypress (Bald)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	Greater than 24 inches in diameter/75" in circumference
Dogwood (Flowering)	4 inches in diameter/12" in circumference but less than	12 inches in diameter/38" in circumference	
Elm	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Hickory	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Holly (American)	6 inches in diameter/19" in circumference but less than	12 inches in diameter/38" in circumference	
Magnolia (Southern)	8 inches in diameter/25" in circumference but less than	16 inches in diameter/50" in circumference	
Locust, Thornless (Honey)	8 inches in diameter/25" in circumference but less than	16 inches in diameter/50" in circumference	
Loquat	8 inches in diameter/25" in circumference but less than	16 inches in diameter/50" in circumference	
Maple (Red)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Oak (Live Oak)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	Greater than 24 inches in diameter/75" in circumference



Oak (Laurel)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	Greater than 24 inches in diameter/75" in circumference
Oak (all other types)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
<b>Palm, Palmetto*</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
Pine (Long Leaf)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Poplar (Yellow)	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Sycamore	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Tupelo	8 inches in diameter/25" in circumference but less than	24 inches in diameter/75" in circumference	
Yaupon	8 inches in diameter/25" in circumference but less than	16 inches in diameter/50" in circumference	
Zelkova	8 inches in diameter/25" in circumference but less than	16 inches in diameter/50" in circumference	

**\* For residentially zoned properties in the R-3 district, it is recommended palm and palmetto varieties are planted to fill the requirement for the minimum number of trees (3) in order to encourage their survival due to harsh conditions of heat and salt water spray. Due to their inability to thrive if planted during the winter months, a planting plan may be approved with new construction with a delayed planting schedule for palms or palmettos of up to six (6) months. This will allow construction to continue and certificates of occupancy to be issued without delay.**

**SEVERABILITY.** If any provision, clause, sentence, or paragraph of this amendment or the application thereof shall be held invalid, that invalidity shall not affect the other provisions of this ordinance, 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.

**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 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

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