

CITY COUNCIL

6:00 p.m., Tuesday, April 24, 2018

The regular meeting of City Council was held at 6:00 p.m., Tuesday, April 24, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, City Administrator Tucker, City Attorney Halversen, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act. After a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

2. Reading of the Journals of Previous Meetings

MOTION: Councilmember Rice moved to approve the minutes of the Special Council meetings of March 4, March 20, March 21, March 27 and the regular meeting of March 27, 2018 as submitted; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY**.

3. Citizens' Comments

Jay Clarke, owner of Morgan Creek Grill, reported that a meeting of the marina tenants was held a few days ago and would like to provide some input regarding parking on 41st and any changes being considered, possibly at the Real Property Committee meeting of May 10th.

4. Swearing in of New Employee

MOTION: Councilmember Buckhannon moved to accept Michael Lord as an employee of the City of Isle of Palms; Council Rice seconded and the motion **PASSED UNANIMOUSLY**.

5. Reports from Standing Committees

A. Ways and Means Committee

Councilmember Ward gave the highlights of the meeting of April 17, 2018. Revenues overall for all funds was at sixty percent (60%) of budget, and General Fund expenditures for all departments were at fifty-seven percent (57%) of budget through March 31, 2018. Total cash on-hand was at approximately seventeen million eight hundred twenty-one thousand dollars (\$17,821,000). Councilmember Ward reminded those in attendance that the audio of the meeting and the reports through March 31, 2018 were on the City's website.

1. Recommendation from the ATAX Committee for a sponsorship in the amount of \$10,000 for the S.C. Aquarium Turtle Trek 5k Sunset Beach Run on Saturday, September 29, 2018 at 5:30 p.m. (Pg. 28, Ln. 268 – State ATAX, Programs/Sponsorships, \$50,000)

MOTION: Mayor Carroll moved to approve a \$10,000 sponsorship for the S.C. Aquarium Turtle Trek; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

2. Recommendation from the Public Works Committee to approve up to \$20,000 for the replacement of the white fencing at Oceanside Condominiums (Pg. 27, ln. 190 – Hospitality Tax, Public Works Maintenance and Service Contracts)

MOTION: Councilmember Rice moved to approve up to \$20,000 to replace the white fencing at the Oceanside Condominiums; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

3. Recommendation from the Public Safety Committee to award a contract to Safe Industries in the amount of \$849,500 for one 2018 E-ONE 75 ft. Ladder Truck (FY18 Budget, Pg. 52, ln. 82 - \$200,000 for down-payment from reserves in the Capital Projects Fund, Muni ATAXC and State ATAX)

MOTION: Councilmember Kinghorn moved to award a contract to Safe Industries for one E-ONE 75 ft. ladder truck; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

4. Recommendation from the Real Property Committee to approve up to \$26,400 for plants to be planted on top of the new dunes in the project area to encourage dune growth (Pg. 30, ln 341 – off shore restoration project contingency)

MOTION: Councilmember Ward moved to approve up to \$26,400 for plants for the dunes in the area of the beach restoration project; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

5. Consideration of an award of a contract to Technology Solutions for IT services for \$28,500 and an additional not to exceed \$21,500 for additional hours as needed at \$75 per hour (Pg. 12, ln 92 – General Fund, Police Department, Professional Services - \$80,000 placeholder for IT services)

MOTION: Mayor Carroll moved to award the contract to Technology Solutions as detailed above; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

6. Recommendation from the ATAX Committee to fund overages in the FY18 budget by \$400 for irrigation at Breach Inlet, for \$500 for beach trash barrels and by \$1,032 for the flood insurance premium on the public restrooms

MOTION: Councilmember Rice moved to fund the overages in the ATAX FY18 budget detailed above; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

7. In accordance with the IOP Procurement Code Section 1-10-4(b)(3)(iii), q consideration of emergency repairs to PSB emergency generator - \$12,000 for the radiator and \$9,000 for the installation hook-up for rental generator (Pg. 22, ln 38 – Capital Projects Fund, Fire Department Maintenance and Services, \$101,208)

MOTION: Mayor Carroll moved to approve the emergency repairs to the PSB generator in an amount not to exceed \$21,000; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

8. Report in accordance with Chapter 20, Purchasing, Section 1-10-3©, less than \$25,000 and in the budget
 - Love Chevrolet – 2018 Chevrolet Pickup Truck for the Building Department

Responding to Councilmember Ward's question, the mileage on the truck being replaced was approximately one hundred seven thousand (107,000).

****Mayor Carroll** stated that Councilmembers have discussed that their meeting have been running too long, upward of three (3) hours, and that much is said that is not so important. In an effort to keep the meeting to a reasonable length of time, the Mayor stated that the Committee reports tonight will be shorter and more concise since the audio is posted to the City's website the morning after the meetings.

B. Public Safety Committee

Reporting from the meeting of April 8th, Councilmember Smith stated that Rusty Williamson had addressed the Committee about the collection of parking fines and follow through. She announced that the City had trapped its third coyote in a soft leg trap on March 28th; in addition, the Police Department has applied for a permit from DNR to use the Collarum traps that will be deployed as addition to the traps currently in use. Chief Buckhannon stated that the City would need an additional permit if it decided to have a hunt, but the City's liability insurance carrier has stated that a hunt would be not insurable. Additionally, Captain Swain distributed a draft Coyote management Plan for the Committee's consideration. Although he tried, Captain Swain was unable to locate anyone who would work on a per coyote basis; he did talk to the man from North Carolina who has been so successful in reducing the coyote population and learned that he would assist the City for three hundred fifty dollars (\$350) per day. In a lengthy discussion about managed beach parking, the Committee did not arrive at any new recommendations to ease the parking problems that could be implemented for this beach season. Chief Buckhannon told the Committee that he thought the City was not charging enough for the meters on Front Beach to keep them turning over during the day; it does not benefit the local businesses for beach goers to take up a street parking space for an entire day. The Committee voted unanimously for ordinance changes to allow for the impounding or towing vehicles when they are a safety hazard, for towing or impounding for unpaid parking tickets after thirty (30) days and to reduce to one (1) the number of unpaid tickets that would warrant towing or impounding of a vehicle. Other issues discussed were the benches at the intersection of J.C. Long and Ocean Boulevard and the crosswalk at 20th Avenue.

The next Public Safety Committee will be at 5:00 p.m., Wednesday, May 2nd in the Conference Room.

C. Public Works Committee

Councilmember Rice reported on the meeting of April 4th when Councilmember Kinghorn resigned as Chair and she resigned as Vice Chair; subsequently, she was elected Chair and Councilmember Buckhannon was elected Vice Chair. On the drainage issues at 32nd Avenue, Charleston County has ownership of the easement and they have been communicating with Mr. Burke and his neighbor Mr. O'Poulos. To solve the problem, the ditch needs to be re-structure from where it begins to the outfall, but it is an expensive project, i.e. Eadie's has quoted one hundred fifty-two thousand five hundred dollars (\$152,500). Assistant Frago has filed for an extension to the Rural Infrastructure Grant for the Phase II Drainage project with an estimated completion date of September 2018. The project will now move down Palm Boulevard, and the City will be diligent in keeping the resort up-to-date on the progress. When the Committee discussed the FY19 budget, they again noted the vital importance of adding the position of Assistant Director of Maintenance and Facilities to the Public Works Department. A top priority in the

FY19 budget is drainage; the Seabrook drainage study was done twenty-eight (28) years ago and needs to be updated. In addition, the Committee agreed that cost sharing with the IOP Water and Sewer Commission in an island-wide study would be a step closer to the goal of island-wide sewer. The Committee supported the design and engineering for improvements to the Waterway Boulevard multi-use path as well as the design and engineering for the outfall improvements. David Stevens, Trey Little of Seamon Whiteside and Jay Claypool, real estate manager for the new construction at the resort, attended the meeting to discuss the relocation of a drainage line installed in the Phase I Drainage Project so that it will go around their project. The Committee was assured that the relocation will not have a negative impact on the Phase I project, and the Committee asked that the resort bear the cost for the relocation.

The next Public Works Committee meeting will be Monday, May 7th at 9:00 a.m. in the Conference Room.

D. Recreation Committee

Reporting on the meeting of April 3rd, Councilmember Buckhannon stated that Director Page had reviewed the many activities at the Recreation Center in March and the upcoming community events. The Committee heard a presentation about holding a beach wrestling event on the island; the Committee declined to hold the event on the island, but directed this person to several private beach or beach-like entities as alternatives. The Committee again discussed the Farmers' Market planned for the fall and proposed changes for it; the Committee also discussed opening the Rec Center on Sunday afternoon beginning in the fall and the impact on the FY19 budget. The Committee talked about the need for a policy relative to the message boards.

MOTION: Councilmember Buckhannon moved to adopt the policy for the message boards as presented; Councilmember Moyer seconded.

When the Mayor asked for the rationale behind the policy, Councilmember Buckhannon replied that, without a policy in place, the City would not be able to refuse a group or organization that wanted to post a message, no matter what their message might; therefore, to maintain control of the message, the Committee has recommended the policy whereby only messages from and about the City of IOP will be posted to the message boards. Since the policy was listed on the Agenda as a separate item, Councilmembers Buckhannon and Moyer withdrew the motion and second, respectively. The registration process for summer camps and athletics were reviewed to see if there was a way to improve it. The discussion of full-court basketball time for adults continued.

The next Recreation Committee meeting will be at 5:00 p.m., Monday, May 7th in the Conference Room.

E. Personnel Committee

Councilmember Ferencz reported on the meeting of April 5th, saying that, after Citizens' Comments, the Agenda was re-ordered for a report from the Human Resources Officer about recruitment services, and the Committee agreed to use a professional recruiting service in its search for a City Administrator and Chief of Police. Additionally, the Committee was advised of a section in the City's Procurement Code allowing for hiring for professional services without going through the RFP and bidding process and a motion was unanimously approved to follow that section of the IOP Code of Ordinances to select a professional recruiting firm. The Committee agreed to defer its work on Standing Committees of Council, changing the frequency of performance reviews and a review of the Human Resources processes and protocols until August. The Committee decided to support the addition on the Assistant Director of Public Works for Maintenance and Facilities in the FY19 budget. In a discussion of ad hoc committees, the

Committee confirmed that the only way these committees succeed is for them to have a specific goal and a specific amount of time to complete the task.

The City's current employment vacancies are a Chief of Police, a part-time Animal Control Office and a City Administrator,

The Personnel Committee will hold its next meeting at 5:00 p.m., Tuesday, May 8th in the Conference Room.

March Safety Sweepstakes Winners:	
Recreation Department – Aaron Sweet	Police Department – Officer Daniel Tyson
Fire Department – Jeff Stickney	Public Works – Tony Sease

F. Real Property Committee

Reporting of the meeting of April 10th, Councilmember Bell noted that Shane Ziegler of Barrier Isles EcoTours spoke to the Committee and offered for any Councilmembers who have not taken one off his educational tours to call and make arrangements at their convenience. He stated that more than twelve thousand (12,000) South Carolina students take one (1) of his tours annually. Jay Clarke of Morgan Creek Grill reminded the Committee that it was again the time of year when decisions needed to be made on maximizing the parking at the IOP Marina; he asked that a member of Council facilitate such a meeting. Kirby Marshall of ATM attended the meeting to explain the implications of the Boating Infrastructure Grant (BIG) of approximately seventy thousand dollars (\$70,000) the City was awarded in the fall of 2017; the grant is to be used toward the replacement of the fueling system and the fuel dock. Mr. Marshall stated that the grant has a five (5) year timeline that started with the beginning of the federal fiscal year, or October 1, 2017. The total estimated cost of the project to replace the fueling system and the fuel dock is approximately two hundred seventy-five thousand dollars (\$275,000), leaving the City with a funding gap of two hundred six thousand dollars (\$206,000). The City must obligate the funds in three (3) years, no later than August 31, 2020; to obligate the funds the City must sign a contract with Fish and Wildlife and have a plan and permit(s) in-place. When asked, Marina Manager Berrigan stated that he did not think the fuel system would last three (3) years. In the way of information, Councilmember Bell stated that no funds have been allocated in the FY19 budget for dock repairs at the marina. Under Old Business, the Committee discussed the fact that parking outside the footprint of the marina would be significantly more restrictive than in the past and that, as the businesses at the marina begin to thrive, the marina site does not provide enough parking to accommodate them. Currently working out of the marina are ten (10) businesses; four (4) have leases with the City and others have leases with the marina manager, as well as nine (9) fishing guide operations. Councilmember Bell believes that an additional ten (10) unlicensed charter boats operating out of the marina. The conversation was renewed about the use of the Water and Sewer's property for marina employee parking, and efforts will be made to breathe life into that dialogue once again. The Committee was told that annual passes were still being sold to residents and non-residents and launch fees increased April 1st. When the Police Department was asked to be involved in the management and enforcement of parking at the marina site, Interim Chief Usry responded that the only police involvement to-date has been the enforcement of parking that moves into the neighborhoods. She also said that to assign an officer to manage and enforce parking on the marina site would require hiring an off-duty or an addition to the number of personnel; she stated that one (2) sergeant and two (2) officers are on-duty for each shift. The bulkhead rehabilitation project is scheduled to be completed by May 2nd; the dune walkover and public restrooms are to be completed in about a week. As discussed earlier, the Committee approved funds for plantings on the dunes in the project area. Councilmember Bell noted that "substantial fixes" were needed for the Public Safety Building, as well as other City infrastructure and that Council was working to include them in the FY19 budget. Another topic of discussion was issuing

decals for construction vehicles rather than the placards; the Administrator and Councilmember Ward agreed that to do that would create more problems than it would solve.

In conclusion, the Committee discussed the property tax bill from Charleston County for the marina; if the County were to re-assess the property or bill for past years, the burden would be on the tenants per their leases.

The Real Property Committee will hold its next meeting at 4:00 p.m., Thursday, May 10th in the Conference Room.

MOTION: Mayor Carroll moved that, in accordance with the IOP Procurement Code Section 1-10-44(b)(2), the Personnel Committee to do a non-competitive search for a profession recruitment company for hiring the City Administrator and Chief of Police; Councilmember Ferencz seconded.

AMENDMENT: Councilmember Kinghorn moved to amend the motion to include the Assistant Director for Maintenance and Facilities in the search; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY**.

VOTE on Amended Motion: The amended motion **PASSED UNANIMOUSLY**.

6. Reports from City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee – minutes attached
- B. Board of Zoning Appeals – minutes attached
- C. Planning Commission – minutes attached

Councilmember Buckhannon recalled from a MASC class that the attorneys stated that Special Exceptions should occur rarely, and yet the City uses the term on a monthly basis, particularly related to in-home businesses. They recommended that an ordinance change should be done to eliminate the need for the use of Special Exceptions.

Attorney Halversen stated that state statutes exist that define the criteria where a Special Exception could be used, and the in-home business applications the City receives meet those criteria. She said that she would look into changing the City ordinance.

7. Reports from Special or Joint Committees – None

8. Petitions Received, Referred or Disposed of – None

9. Bills Already in Possession of Council

- A. Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide a Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM); To Delete the Time Period for Measuring Substantial Improvements and to Provide for a Minimum Elevation for New Residential and Nonresidential Construction

(Need motion for 2nd Reading then a motion to amend, if the amendment passes to include the changes recommended in this version, then approve amended motion.)

MOTION: Mayor Carroll moved to approve Ordinance 2017-07 for Second Reading and to waive the reading; Councilmember Buckhannon seconded.

Amendment: Councilmember Rice moved to amend Ordinance 2017-07 to include the changes made since the March Council meeting; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

VOTE on Amended Motion:

MOTION: Mayor Carroll moved to defer indefinitely Ordinances 2017-08, 2017-09 and 2017-10; Councilmember Ward seconded.

Councilmember Bell questioned deferring these ordinances indefinitely and recommended that they be sent back to the Planning Commission.

Administrator Tucker explained that the deferral was based on work that needed to be done with the IOP Water and Sewer Commission and the Memorandum of Understanding more than the need for additional work by the Planning Commission.

Councilmember Bell affirmed his recommendation for the ordinances to go back to the Planning Commission.

Attorney Halversen noted that the indefinite deferral allows for the ordinance to come back before Council at some point in the future.

Councilmember Ferencz stated that the Planning Commission was upset that the ordinance came directly to City Council without their review, and they asked that ordinances be reviewed by them before Council takes action.

Mayor Carroll and Councilmember Ward withdrew the motion and second respectively.

MOTION: Councilmember Bell moved to send Ordinances 2017-08, 2017-09 and 2017-09 back to the Planning Commission; Councilmember Ferencz seconded and the motion PASSED on a vote of 8 to 1 with Councilmember Kinghorn casting the dissenting vote.

E. Second Reading of Ordinance 2018-04 – An Ordinance Amending Title 9, Offenses, Chapter 2, Offenses Against Public Peace, Section 9-2-5, Noise, of the City of Isle of Palms Code of Ordinances to Change the Hours During Which Pile-drivers and Other Apparatus Attended with Loud or Disturbing Noises may be Operated and to Provide for Exceptions.

MOTION: Mayor Carroll moved to waive the reading and to approve Ordinance 2018-04, including the amendments made since the last meeting, for Second Reading; Councilmember Kinghorn seconded.

Councilmember Bell asked the City Attorney to confirm that the changes made were for the City's construction hours and holidays to mirror those of Wild Dunes so that there is one (1) set of rules for the entire island.

Attorney Halversen did confirm and added that the parts of the ordinance that deals with getting permission in an emergency and for residents to be able to work on their own homes came from the Sullivan's Island Code.

VOTE: The motion PASSED UNANIMOUSLY.

- F. Second Reading of Ordinance 2018-05 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking of Vehicles, of the City of Isle of Palms Code of Ordinances to Require Parallel Parking and to Prohibit Double Parking on the Passenger Side of Vehicles on Palm Boulevard Between 21st Avenue and 40th Avenue; to Prohibit Boat Trailer Parking along the Rights-of-way of Waterway Boulevard; to Prohibit Exemption for Emergency, Law Enforcement and Other Public Service Vehicles Parking During the Performance of Official Duties or Public Service; and to Provide for Year-Round Enforcement of the Resident Parking Districts**

Mayor Carroll stated that, since the City does not yet have the sign plan or the encroachment permit, this ordinance should be deferred.

MOTION: Councilmember Ward moved to defer Second Reading of Ordinance 2018-05; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

10. Introduction of New Bills, Resolutions and Proclamations

First Reading, by title only, of Ordinance 2018-06 – An Ordinance to Raise Revenue and Adopt a Budget for the City of Isle of Palms, South Carolina, for the Fiscal Year Beginning July 1, 2018, and Ending June 30, 2019.

MOTION: Councilmember Kinghorn moved to approve Ordinance 2018-06 for First Reading; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

First Reading, by title only, of Ordinance 2018-07 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking Vehicles, Article A, General Provisions, of the City of Isle of Palms Code of Ordinances to Provide Additional Regulations Related to Parking in Loading Zones; to Increase the Fine for Parking in Violation of Loading Zone Regulations to \$100.00; to Declare Certain Parked Vehicles as Nuisances and to Provide for the Immobilization and Impoundment of Certain Vehicles; to Provide Reference to State Law Related to Handicapped Parking; and to Amend Administrative Provisions Related to Deposit of Monies Collected From Pay Parking Fees and Penalties.

MOTION: Councilmember Ward moved to approve Ordinance 2018-07 for First Reading; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

First Reading, by title only, of Ordinance 2018-08 – An Ordinance Authorizing the City Administrator of the City of Isle of Palms to Execute the Necessary Documents to Enter Into That Certain Third Amendment to Commercial Lease Agreement Between the City of Isle of Palms and Barrier Isles, LLC, Attached Hereto as Exhibit 1 and Incorporated Herein by Reference

MOTION: Councilmember Ward moved to approve Ordinance 2018-08 for First Reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Resolution Approving the Law Enforcement Mutual Aid Agreement between the City of Isle of Palms Police Department and the Town of Mount Pleasant Police Department

MOTION: Councilmember Buckhannon moved to approve the Law Enforcement Mutual Aid Agreement as specified above and to waive the reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

A Resolution to Adopt a Policy for the use of the City's Message Boards

MOTION: Councilmember Buckhannon moved to adopt a Resolution to Adopt a Policy for the use of the City's Message Boards; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.

11. Miscellaneous Business

Authorization for entering into an Agreement with SCDOT for Streaming Video through the Traffic Management Center

MOTION: Councilmember Rice moved to authorize an Agreement with SCDOT for streaming video through the traffic management center; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.

Budget Public Hearing: 5:45 Tuesday, May 22nd in Council Chambers
Next Meeting Date: 6:00 p.m., Tuesday, May 22nd in Council Chambers

9

12. Conclusion/Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 7:05 p.m.; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk



WHAT The Turtle Trek is the South Carolina Aquarium's 3rd Annual 5k Sunset Beach Run & Kids' Fun Run

WHEN Saturday, September 29, 2018 - Packet Pickup 4:00-5:00pm, Beach Sweep 4:00-5:00pm, Kids Fun Run 5:00pm, 5k Run 5:30pm, After Party & Awards 6:00-9:00pm

WHERE Isle of Palms County Park & the Windjammer

WHO The Turtle Trek has sold out the past two years with 600 runners between the ages of 2-76, representing 15 different states.

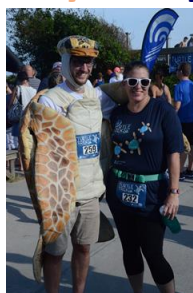
WHY The Turtle Trek raises awareness for the Aquarium's sea turtle rescue program and conservation initiatives. All proceeds support our Sea Turtle Care Center.

REGISTRATION 5K and Kids' Fun Run registration includes: t-shirt (unisex, technical shirts), race packet and After Party entry which includes; awards, food and music!

AWARDS Presented to the Top 3 Overall (M/F) and Top 3 in Age Categories (M/F): 1-9, 10-19, 20-29, 30-39, 40-49, 50-59, 60+. Ribbons will be presented to all kids' fun run participants.

MORE INFORMATION For questions or sponsorship information, please contact Stephanie Gabosch at 843-579-8540 or sgabosch@scaquarium.org

Register today: scaquarium.org/turtletrek



Official Sealed Bid Opening
RFB 2018-01 – New 75 ft. Ladder Truck
2:00 p.m., Tuesday, March 27, 2018
Council Chambers of City Hall
1207 Palm Boulevard Isle of Palms, South Carolina

Present: City Administrator Tucker
Assistant City Administrator Fragoso
Fire Chief Ann Graham
City Clerk Marie Copeland

Assistant Administrator Fragoso announced the sealed bid opening of RFB 2018-01 –New 75 ft. Ladder Truck and stated that the bid was properly noticed in accordance with the City's Procurement Code on the City's website and advertised in *The Post and Courier*. The deadline for questions was February 16, 2018, the responses were posted as an addendum on the City's website on February 27, 2018 and the bid opening was extended to 2:00 p.m., Tuesday, March 27, 2018.

<u>Bidder</u>	<u>What the Bid Included</u>	<u>BID</u>
1. Safe Industries 5031 Hwy. 53 Easley, SC 29642	2018 E-ONE 75' Typhoon IIXM Aerial with a Cummins L9 450 HP Engine, a 500 Gallon Booster Tank, a 20 Gallon Foam Tank, a Hale QMAX 1500 GPM Pump, a FoamPro 1600 Foam Ready System and a Harrison 10 KW Generator Package	780,900 (alternate)
Safe Industries	2018 E-ONE 75' Typhoon X Stretch Long Cab Aerial with a Stainless Steel Body, a Cummins L9 450 HP Engine, a 500 Gallon Booster Tank and a Hale QMAX 1500 GPM Pump	849,500 (primary bid)
2. Rosenbauer Firefighting Technology SC Dealer: South Carolina Fire Apparatus 146 Litton Drive Lexington, SC 29073	1 Rosenbauer Custom Chassis, 78' Rear Mount Aerial ladder with Hale 1500 GPM fire pump and 500 gallon water tank	801,769
3. Sutphen Corporation 6450 Eiterman Road Dublin, Ohio 43016	1 Sutphen SL75 – Mid-mount 75' Ladder 1 Sutphen SLR75 – Read-mount 75' Ladder	799,051 799,051 (alternate)

4. Spartan Fire and Emergency Apparatus	1-2019 7010 Enforcer 75' HAL, Cummins L9 450 HP Diesel Engine, Allison 3000 Transmission, Hale 1500 GPM Pump. 500 Gallon Water Tank, 12 volt Side and Rear Scene Lights, High Side Compartments w/Roll-up Doors on DS and PS Built in Accordance to NFPA 1901/2016 Edition and Department Provide RFP Specifications	860,937
319 Southport Road Roebuck, SC 29376		

The bids will be reviewed for compliance with the bid and addendum, and a recommendation of a possible contract will be made at the Public Safety Committee Meeting at 5:00 p.m., Monday, April 9. If a recommendation is made it will go before the Ways and Means Committee at 5:00, Tuesday, April 17 and to City Council at 6:00 P.M., Tuesday, April 24, 2018.

Respectfully submitted:

Marie Copeland
City Clerk

Isle of Palms Fire Department Memorandum

To : Public Safety Committee
From : Chief Graham
Date : 4-4-2018
Re : Recommendation and Justification for Purchase of 75' Ladder Truck

In accordance with the City's procurement code, the City requested sealed bids for RFB 2018.01 (1) New 75' Ladder Truck. The bid opening was held in Council Chambers on March 27, 2018. The City received four (4) sealed bids. The bid tabulation is enclosed.

After thoroughly reviewing all bids for compliance with the bid and addendum instructions and specifications, my recommendation is that the City awards a contract to Safe Industries in the amount of \$849,500 for a 2018 E-ONE 75' Typhoon X Stretch Long Cab Aerial with a Stainless Steel Body, a Cummins L9 450 HP Engine, a 500 Gallon Booster Tank and a Hale QMAX 1500 GPM Pump.

Section 1-10-5(c)(12) of the City's procurement code sets forth certain criteria to be considered, in addition to price, in determining the lowest responsible bidder. Among the criteria included are:

- the reputation and experience of the bidder;
- the quality of performance of previous contracts;
- the quality, availability and adaptability of the supplies to the particular use required;
- the ability of the bidder to provide future maintenance and service;
- the number and scope of conditions attached to the bid; and
- the ability of the bidder to meet the specifications in the bid.

Based on my review of these criteria, I recommend Safe Industries' primary bid as the lowest responsible bidder for the following reasons:

1. Safe Industries primary bid for E-One ladder truck meets the required bid specifications.
2. Safe Industries alternate bid, the lowest bid, does not meet the following specifications:
 - a. The body is aluminum, not stainless steel
 - b. The apparatus does not have air ride suspension
 - c. The fuel tanks are steel, not stainless steel
 - d. Cab configuration not adequate for current needs
 - e. Generator was undersized per specifications
3. Rosenbauer does not meet specifications related to the department's requirement of 2.5:1 safety factor.
4. Sutphen Corporation's specifications lack safety data concerning the aerial components
5. While conducting research, I was unable to find any aerial failures with E-One ladder trucks.
6. The City has had a good safety record with current and past E-One fire apparatus.

7. The City has experienced excellent service for current and past E-One fire apparatus. The City currently owns the following E-One fire equipment:
 - a. 2016 E-One Rescue Truck
 - b. 2009 E-One Pumper
 - c. 2003 E-One Pumper
 - d. 2003 E-One 75' Ladder Truck
 - e. 2003 E-One 95' Ladder Truck with Bucket
8. There are fewer safety concerns for continuity of operations when using the same manufacturer for life safety equipment.
9. E-One teamed up with the REV Group in 2008 and Safe Industries in 2017. E-One is and has been a very successful company with a strong safety record for many years. The merger between E-One and the REV Group has resulted in more engineering support, as well as parts availability. The partnership with Safe Industries has resulted in more accessibility of authorized service personnel in the state of South Carolina at fixed site locations as well as multiple mobile service units.
10. E-One is sole source for all structural components such as cab, chassis, frame rails, aerial device, etc.
11. IOPFD personnel consulted with E-One following several flood events which affected fire departments throughout South Carolina and beyond. Damage from flood water was not isolated to E-One. E-One is adopting a new standard to mitigate damage during high water incidents in the future.
12. Safe Industries is offering a two (2) year manufacturer bumper to bumper warranty, in addition to various long-term warranties offered by E-One. The two (2) year warranty covers preventative maintenance and annual pump test in addition to routine warranty issues.



Proposal for



BS&A SERVER

Developed and Submitted by:
Joseph Shivers
TSC, INC.
(843) 437-1470
4973 Rivers Avenue
North Charleston, SC 29406
5.10.18

Current State of BS&A Server Status

The current BSA Server Operating System is Windows 2008 R2, running an “Express” Version of SQL server. The Windows Operating System partition has reached capacity, causing multiple errors. We were able to free space on the “C” partition for the time being, however, the server needs to be upgraded to handle the Operation System partition growth. Additionally, the current configuration of the server is not adequate to handle the current load of users and programs. This is adding to the some of the latency the users are experiencing.

The current server specifications are as follows.

(2) Xeon 2.0 GHz Processor

24 GB Ram

Windows Server 2008

SQL Server Essentials

For a 50 -100 user environment, BSA recommends the following:

"Recommended (Minimum)

(2) Xeon 2.5 GHz E5 Eight-Core Processors (or faster) (2) Xeon 2.8 GHz Quad-Core Processors

64 GB RAM (DDR3 1600 or faster) 48 GB RAM

8x SATA 15K RPM 1TB (2x RAID 10) 1 TB free disk space

2x 500GB Solid State Drive (SSD) Windows Server 2008 Standard (64-bit)

Separate RAID for Operating System

Windows Server 2016

SQL Server Standard or Enterprise Edition”

Solution

-Implement a new, scalable server which meets the current and anticipated future load requirements.

-License the server with 30 SQL Server Client Access Licenses to address the concurrent connection issues (additional licenses can be added in the future).

-Install Windows Server 2016 w/ 30 Client Access Licenses (additional licenses can be added in the future).

-Reformat the old server to run the programs that were previously residing on the same server as BSA.



4973 Rivers Avenue
North Charleston SC 29406

www.tscharleston.com

QUOTE

Date	Quote #
5/9/18	11983

Name / Address	Ship To
City of Isle of Palms 1207 Palm Boulevard Isle of Palms, SC 29451	City of Isle of Palms 1207 Palm Boulevard Isle of Palms, SC 29451

Customer PO #	Terms	Rep
BSA Server	Due on Receipt	JS

Item	Qty	Description	Rate	Total
PART-SL	1	PowerEdge R730xd Server Chassis with up to 12, 3.5" Hard Drives and 2, 2.5" Flex Bay Hard Drives Processor Intel® Xeon® E5-2643 v4 3.4GHz,20M Cache,9.60GT/s QPI,Turbo,HT,6C/12T (135W) Max Mem 2400MHz 64GB RAM 5 x 2.4TB 10K RPM SAS 12Gbps 512e 2.5in 5 x Hot-plug 2 x 480GB Solid State Drive SATA Mix Use MLC 6Gbps 2.5in Flex Bay Drive, SM863a Hard Drive 3.5in Hot-plug Hard Drive PERC H730 RAID Controller, 1GB NV Cache Embedded Systems Management iDRAC8 Enterprise, integrated Dell Remote Access Controller, Enterprise Rack Rails ReadyRails™ Sliding Rails With Cable Management Arm Dual, Hot-plug, Redundant Power Supply (1+1), 750W Operating System Windows Server® 2016,Standard,16CORE, Media Kit Downgrade Media Broadcom 5720 QP 1Gb Network Daughter Card	15,995.00	15,995.00T
PART-SL	1	SQL Server Standard Edition	716.00	716.00T
PART-SL	30	SQL Server Device Client Access Licenses	154.00	4,620.00T
PART-SL	30	Windows 2016 SVR Device Cals	29.00	870.00T
Proj40	30	Service Project- Installation & Configuration	75.00	2,250.00

Client Approval
Name

Signature

Title

Date

Subtotal \$24,451.00

Sales Tax (9.0%) \$1,998.09

Total \$26,449.09

Quotes valid for 30 days. Prices do not include shipping, tax or installation unless otherwise noted.
PAST DUE ACCOUNTS ARE SUBJECT TO A MONTHLY FINANCE CHARGE.
TERMS ARE NET 10.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ISLE OF PALMS TO ADOPT A POLICY FOR USE OF THE CITY’S MESSAGE BOARD

WHEREAS, the City owns a message board, which is located on Palm Boulevard at the intersection with 14th Avenue; and

WHEREAS, City Council wishes to utilize the City’s message board for the display of messages by the City, its Departments, Boards and Commissions to communicate information regarding City government meetings, public safety emergency messages, City programs, announcements, and other official City business and City-sponsored events; and

WHEREAS, City Council deems it advisable to adopt a policy for the use of the City’s message board for such purposes.

NOW, THEREFORE, BE IT RESOLVED that City Council, in meeting duly assembled, hereby adopts the Message Board Policy, attached hereto as Exhibit “A” and incorporated herein by reference, which shall be in full force and effect immediately upon its adoption and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE
OF PALMS, SOUTH CAROLINA, ON THE 24th DAY OF APRIL, 2018.**

Jimmy Carroll, Mayor

Attest:

Marie B. Copeland, City Clerk

CITY OF ISLE OF PALMS
MESSAGE BOARD POLICY

I. INTENT:

This Policy establishes the criteria for displaying messages on the City of Isle of Palms' message board(s). Messages displayed on the message board(s) shall comply with this Policy.

II. ELIGIBLE MESSAGE BOARD MESSAGES:

1. The City's message board unilaterally communicates information to the public. The City's message board is not a designated public forum or platform for public discourse, exchange of opinions, or discussion on issues of public interest.
2. The City's message board announces programs, events, and announcements conducted, operated, or sponsored by the City, its Departments, its Boards and Commissions.
3. The City's message board shall not display commercial, political, or religious statements.
4. City messages shall be limited to official City of Isle of Palms business, such as notifying the public of City meetings, activities and programs and City-sponsored events.
5. Message Priority. Messages shall be displayed according to the following priority:
 - a. Public safety emergency messages, which shall take priority as deemed necessary by the City Administrator;
 - b. City government meetings;
 - c. City programs and announcements; and
 - d. City-sponsored events.
6. The City's message boards will not be available for use by any organizations other than the City of Isle of Palms and its Departments, Boards, and Commissions.

DATE: April 24, 2018

ORDINANCE 2017-07

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 8, FLOOD DAMAGE PREVENTION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE A DEFINITION FOR THE NEW REFERENCE DATUM TO BE USED FOR THE BASE FLOOD ELEVATION SHOWN ON THE FLOOD INSURANCE RATE MAPS (FIRM); TO DELETE THE TIME PERIOD FOR MEASURING SUBSTANTIAL IMPROVEMENTS; AND TO PROVIDE A MINIMUM ELEVATION FOR NEW RESIDENTIAL AND NONRESIDENTIAL CONSTRUCTION.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That the provisions contained in Article 8, "Flood Damage Prevention," of Chapter 4, Title 5, are hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference as if set forth verbatim.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 24th DAY OF APRIL, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: September 26, 2017
Public Hearing: April 24, 2018
Second Reading: April 24, 2018
Ratification: April 24, 2018

EXHIBIT A
TITLE 5 – PLANNING AND DEVELOPMENT
CHAPTER 4 - ZONING
ARTICLE 8. - FLOOD DAMAGE PREVENTION

Sec. 5-4-151. - Statutory authorization.

Pursuant to S.C. Code 1976, § 6-29-710, as amended, the Legislature of the State has delegated the authority to local governments to adopt regulations designed to protect against and secure safety from floods. Therefore, the City Council hereby adopts the provisions set forth in this article.

Sec. 5-4-152. - Findings of fact.

- (a) The flood hazard areas of the City are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions 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, floodproofed, or otherwise unprotected from flood damages.

Sec. 5-4-153. - Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
- (4) Regulate developments which may increase erosion or flood damage; and, regulate the construction of structures which will unnaturally divert floodwaters which may increase flood hazards to other lands.

Sec. 5-4-154. - Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;
- (7) To encourage notification to potential real property buyers that a property is located in a special flood hazard area.

Sec. 5-4-155. - Definitions.

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

Appeal means a request for a review of the Building Official's interpretation of any provisions of this chapter or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation means the water surface elevations of the base flood as determined by the Federal Insurance Administrator of the National Flood Insurance Program (NFIP).

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Expansion to an existing manufactured home park or manufactured home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). Any expansion is considered new construction.

Existing Construction means, for the purposes of determining rates, structures for which the start of construction commenced before January 1, 1975.

Fair market value of a structure means:

- (i) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (ii) In the case of damage, the appraised value of the structure prior to the damage occurring.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain 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 and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking or port facilities necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term "functionally dependent use" does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means 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 to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (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 Interior, or (2) directly by the Secretary of 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.

Lowest floor means the lowest floor of 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 building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD 88) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

National Geodetic Vertical Datum (NGVD), as corrected in 1929, means elevation reference points set by National Geodetic Survey based on mean sea level.

North American Vertical Datum of 1988 (NAVD 88), means a vertical control used as the reference datum on new Flood Insurance Rate Maps.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

New manufactured home park or manufactured home subdivision means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance from which this article is derived.

Primary Frontal Dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward 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 a relatively steep slope to a relatively mild slope.

Recreational vehicle means 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 recreational, camping, travel or seasonal use.

Sand dunes means naturally occurring or manmade accumulations of sand in ridges or mounds landward of the active beach.

Start of construction, for other than new construction and substantial improvements under the Coastal Barrier Resources Act, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure 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 or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimension of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the fair market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, additions or improvements to a structure in which the total cost equals or exceeds fifty percent (50%) of the fair market value of the structure before the start of construction. The term "substantial improvement" does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the Building Official which are the minimum necessary to ensure safe living conditions; or
- (ii) Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief to a property owner from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship to the owner.

Violation means the failure of a structure or other development to be fully compliant with this article.

Sec. 5-4-156. - Areas in which this article applies.

This article applies to all property in the City identified as areas of special flood hazard by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study dated November 17, 2004 with accompanying maps and other supporting data.

Sec. 5-4-157. - Basis for establishing the areas of special flood hazard.

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated November 17, 2004, with all attachments thereto, are hereby adopted by reference and made a part of this article as fully and completely as if set forth herein verbatim.

Sec. 5-4-158. - Establishment of building and/or zoning permit.

A building/zoning permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

Sec. 5-4-159. - Compliance.

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

Sec. 5-4-160. - Abrogation and greater restrictions.

Where this article and any other provision of this Code conflict or overlap, whichever provision imposes the more stringent restrictions shall prevail. If two (2) or more flood zones or base flood elevations transect a structure, the structure shall conform to the most stringent zone and the highest base flood elevation.

Sec. 5-4-161. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered a minimum requirement;
- (2) Liberally construed in favor of the City Council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 5-4-162. - Partial invalidity and severability.

In the event any section, subsection, sentence, clause or phrase contained in this article shall be declared or adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, all the remaining provisions of this article shall be and remain in full force and effect.

Sec. 5-4-163. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This article shall not create liability on the part of the City or by any officer or employee thereof for any flood damage that results from reliance on or compliance with this article or any administrative decision made hereunder.

Sec. 5-4-164. - Penalties for violation.

Violation of the provisions of this article 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 article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in section 1-3-66, and in addition

shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, enjoin or remedy any violation.

Sec. 5-4-165. - Administration; designation of Building Official.

The Building Official is hereby appointed to administer and implement the provisions of this article.

Sec. 5-4-166. - Adoption of letter of map revision (LOMR).

All LOMRs that are issued in the areas identified in section 5-4-156 are hereby adopted.

Sec. 5-4-167. - Permit procedures and certification requirements.

a) *Permit:* Application for a building/zoning permit shall be made to the Building Official on forms provided by him, prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 5-4-171(b).
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b) *Certifications:*

- (1) *During Construction* - A floor elevation or floodproofing certification is required after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest habitable floor, whichever is applicable, as built, in relation to the 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 same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) calendar day period and prior to submission of the certification shall be at the permit holder's risk. The Building Official shall review the floor elevation survey date submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby may result in the issuance of a stop work order for the project from the Building Official.
- (2) *As-built Certification* - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements section that the development is built in accordance with the submitted plans and previous pre-development certifications.

Sec. 5-4-168. - Duties and responsibilities of the Building Official.

Duties of the Building Official shall include, but not be limited to, the following:

- (1) Review all building and zoning permits to ensure compliance with this article.

- (2) Advise permittees that additional Federal or State or City permits may be required, and, if specific Federal or State or City permits are known to the Building Official, require that copies of such be provided and maintained on file with the building/zoning permit.
- (3) Notify adjacent communities and the State Coordinator, Flood Mitigation Program, S.C. Land, Water and Conservation Division of the South Carolina Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean seal level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 5-4-167(b).
- (6) Verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with section 5-4-171(b).
- (7) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand the effects of wind and water loads acting simultaneously on the building.
- (8) In coastal high hazard areas, the Building Official shall review plans for adequacy of breakaway walls in accordance with section 5-4-171(e)8.
- (9) When floodproofing is utilized for a particular structure, require certification from a registered professional engineer or architect.
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.
- (11) When base flood elevation data has not been provided in accordance with section 5-4-157, then the Building Official shall either:
 - (a) Obtain, review, and utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of sections 5-4-170 and 5-4-171; or
 - (b) Require the applicant to obtain and reasonably utilize any base flood elevation data available from a federal, state or other source, and to determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices.
- (12) Before a certificate of occupancy is issued for a structure, inspect the premises to ensure that the requirements of this article have been met.
- (13) All records pertaining to the provisions of this article shall be maintained in the Office of the City Clerk and shall be made available for public inspection.

Sec. 5-4-169. - Variance procedures.

- (a) The City's Board of Zoning Appeals shall hear and decide appeals and requests for variances hereunder.
- (b) The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decisions, or determinations made by the Building Official in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction as provided by law.
- (d) Notwithstanding any other provision in this article to the contrary, variances may be issued for repair or rehabilitation of historic structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a finding by the Board 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.

- (e) In considering appeals or request for variances, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article 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;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance to the community of the services provided by the proposed facility; (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plan management program for that area;
 - (9) The safety of access to the property during floods for emergency and nonemergency vehicles;
 - (10) 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; and
 - (11) 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.
- (f) The Board may attach such conditions to the granting of a variance hereunder as it deems necessary to further the purposes of this article.
- (g) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (h) Requirements for variances.
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any applicant to whom a variance is granted shall be given written notice by the Board that the issuance of a variance to construct a structure below the base flood level will result in substantially increased premium rates for the flood insurance as specified by the Federal law.
 - (4) The City Clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) as required by law.

Sec. 5-4-170. - General standards.

In all areas of the City the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (g) Any alteration, repair, reconstruction, or improvements to an existing structure which has the lowest floor, including basement, elevated to the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher, shall meet the requirements of new construction as contained in sections 5-4-171(a) and (c) of this article.
- (h) Any alteration, repair, reconstruction, or improvements to an existing structure which has the lowest floor, including basement, below the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher, shall meet the requirements contained in sections 5-4-171(b) and (d) of this article, provided that no new floor elevation shall be lower than the existing floor elevation.
- (i) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.
- (j) Public utilities and facilities are constructed so as to minimize flood damage and provide adequate drainage.

Sec. 5-4-171. - Specific standards.

In all areas of the City, the following provisions are required:

- (a) *Residential new construction.* New construction, of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher. Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).
- (b) *Residential substantial improvement or the repair of substantial damage.* Substantial improvement or the repair of substantial damage of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).
- (c) *Nonresidential new construction.* New construction, of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher. Structures may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water,

using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).

- (d) *Nonresidential substantial improvement or the repair of substantial damage.* Substantial improvement or the repair of substantial damage of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in A-zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).
- (e) *Enclosed areas below the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher.* New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation that are usable solely for the parking of vehicles, building access, or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch per square foot of enclosed area subject to flooding shall be provided. For the purpose of compliance with this article, windows are not included.
 - 2. The bottom of all opening shall be no higher than one foot (1') above grade.
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the unimpeded entry and exit of floodwaters.
 - 4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - 5. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
 - 6. 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 building on at least one side of the building.
- (f) *Temporary structure.* No temporary structures shall be placed in a floodway or coastal high hazard area, or in any area of special flood hazard within the corporate limits of the City unless a permit is obtained from the Zoning Administrator. No such permit shall be issued unless the latest FEMA guidelines regarding such structures are met.
- (g) *Coastal high hazard areas (V zones).* Located within the areas of special flood hazard established in section 5-4-157 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave-wash; therefore, the following provisions shall apply:
 - 1. All new construction and substantial improvement shall be located landward of the reach of the 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 new construction shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation level or 14 feet NGVD (13 feet NAVD 88), whichever is higher, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and

must be designed to wash away in the event of flood and wave action and in accordance with subsection (e)9 of this section.

3. All substantial improvements and repairs to substantial damage of any structure shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of flood and wave action and in accordance with subsection (e)9 of this section.
 4. All new construction and substantial improvement shall be securely anchored on pilings or columns.
 5. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the latest edition of the building code or One- and Two-Family Dwelling Code adopted by the City.
 6. Compliance with provisions contained in subsection (e)2, 3 and 5 of this section shall be certified by a licensed professional engineer or architect.
 7. There shall be no fill used as structural support.
 8. There shall be no alteration of sand dunes, which would increase potential flood damage.
 9. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under base flood or lesser conditions, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system and provided the following design specifications are met:
 - a. No solid walls are allowed; and
 - b. Materials shall consist of open wooden lattice or insect screening.
 10. Space enclosed by lattice or screening shall not be used for human habitation.
 11. Prior to construction, plans for any structure that will have lattice work or decorative screening must be submitted to the Building Official for approval.
 12. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except for lattice work or decorative screening, as provided for in subsection (e)9 and 10 of this section.
- (f) *Recreational vehicles.* Recreational vehicles placed on lots shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.

ORDINANCE 2017-08

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 5, LAND DEVELOPMENT REGULATION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE THAT ALL SUBDIVISIONS OF LOTS BE CONNECTED TO THE PUBLIC SEWER SYSTEM AND TO REQUIRE CERTAIN INFORMATION RELATED TO SEWER CONNECTION FOR THE SUBDIVISION APPROVAL PROCESS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Paragraph (b) of Section 5-5-1, "Subdivision approval required," is hereby amended to state as follows:

"(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Subdivision means any division of a lot, tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots or record. However, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter;

(2) The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions must be received as information by the Planning Commission, which shall indicate such fact on the plat; and

(3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Public sewer means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems as defined in section 5-4-2."

SECTION 2. That Paragraph (c)(9) of Section 5-5-3, "Conceptual plan," is hereby amended to state as follows:

"(9) Existing and proposed methods of wastewater disposal."

SECTION 3. That Paragraph (c)(2)(9)(a) of Section 5-5-4, "Preliminary plat," is hereby amended to state as follows:

“(9) Accompanying data as listed in subsection (9)(a) of this section:

- (a) The preliminary plat shall be accompanied by:
 - 1. a statement from the Isle of Palms Water and Sewer Commission stating that public sewer capacity is available to serve the proposed lots; and
 - 2. a statement from the owner agreeing to provide public sewer service to the proposed lots.”

SECTION 4. That Paragraph (c)(2)(8) of Section 5-5-6, “Final plat,” is hereby amended to state as follows:

“(8) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).”

SECTION 5. That Paragraph (b)(2) of Section 5-5-8, “Required improvements,” is hereby amended, and Paragraph (b)(3) is hereby deleted, and the remaining Paragraphs shall be renumbered accordingly as follows:

- “(1) Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the latest edition of the County Road Code.
- (2) The owner shall install public sewer lines and connect to the public sewer system operated and maintained by the Isle of Palms Water and Sewer Commission.
- (3) Street name signs in accordance with the requirements of the current edition of the County Road Code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plat for approval.
- (4) All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the County Road Code.
- (5) All lots not exceeding two hundred (200') feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter or other type of approved drainage facility. Larger tracts of land shall either meet this standard or provide for adequate drainage by using one or more of the techniques contained in OCRM stormwater guidelines and approved by the Building Official and Public Works Department as consistent with the drainage patterns for surrounding properties.”

SECTION 6. That Section 5-5-10, “Exceptions,” is hereby renamed and amended to state as follows:

“Sec. 5-5-10. – Exception to preliminary plat review process.

For a proposed subdivision, or modification of an existing lot or subdivision, which does not involve the construction or improvement of any street or drainage system, an owner may submit the following information to the Zoning Administrator in lieu of the preliminary plat requirements:

(1) The information required for review of a conceptual plan, as set forth in section 5-5-3.

(2) A letter confirming the availability of public sewer service from the Isle of Palms Water and Sewer Commission and a statement from the owner agreeing to provide public sewer service to the proposed lots.

(3) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).

Review shall follow the procedures set forth for final plats in section 5-5-6; provided, however, that if the Building Official determines that street or drainage system modifications are required, the application shall be construed as one for issuance of a preliminary plat pursuant to section 5-5-4.”

SECTION 7. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 8. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 9. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: October 24, 2017

Public Hearing: January 23, 2018

Second Reading: _____

Ratification: _____

ORDINANCE 2017-08

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 5, LAND DEVELOPMENT REGULATION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE THAT ALL SUBDIVISIONS OF LOTS BE CONNECTED TO THE PUBLIC SEWER SYSTEM AND TO REQUIRE CERTAIN INFORMATION RELATED TO SEWER CONNECTION FOR THE SUBDIVISION APPROVAL PROCESS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Paragraph (b) of Section 5-5-1, "Subdivision approval required," is hereby amended to state as follows:

"(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Subdivision means any division of a lot, tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots or record. However, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter;

(2) The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions must be received as information by the Planning Commission, which shall indicate such fact on the plat; and

(3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

Public sewer means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems as defined in section 5-4-2."

SECTION 2. That Paragraph (c)(9) of Section 5-5-3, "Conceptual plan," is hereby amended to state as follows:

"(9) Existing and proposed methods of wastewater disposal."

SECTION 3. That Paragraph (c)(2)(9)(a) of Section 5-5-4, "Preliminary plat," is hereby amended to state as follows:

“(9) Accompanying data as listed in subsection (9)(a) of this section:

- (a) The preliminary plat shall be accompanied by:
 - 1. a statement from the Isle of Palms Water and Sewer Commission stating that public sewer capacity is available to serve the proposed lots; and
 - 2. a statement from the owner agreeing to provide public sewer service to the proposed lots.”

SECTION 4. That Paragraph (c)(2)(8) of Section 5-5-6, “Final plat,” is hereby amended to state as follows:

“(8) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).”

SECTION 5. That Paragraph (b)(2) of Section 5-5-8, “Required improvements,” is hereby amended, and Paragraph (b)(3) is hereby deleted, and the remaining Paragraphs shall be renumbered accordingly as follows:

- “(1) Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the latest edition of the County Road Code.
- (2) The owner shall install public sewer lines and connect to the public sewer system operated and maintained by the Isle of Palms Water and Sewer Commission.
- (3) Street name signs in accordance with the requirements of the current edition of the County Road Code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plat for approval.
- (4) All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the County Road Code.
- (5) All lots not exceeding two hundred (200') feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter or other type of approved drainage facility. Larger tracts of land shall either meet this standard or provide for adequate drainage by using one or more of the techniques contained in OCRM stormwater guidelines and approved by the Building Official and Public Works Department as consistent with the drainage patterns for surrounding properties.”

SECTION 6. That Section 5-5-10, “Exceptions,” is hereby renamed and amended to state as follows:

“Sec. 5-5-10. – Exception to preliminary plat review process.

For a proposed subdivision, or modification of an existing lot or subdivision, which does not involve the construction or improvement of any street or drainage system, an owner may submit the following information to the Zoning Administrator in lieu of the preliminary plat requirements:

(1) The information required for review of a conceptual plan, as set forth in section 5-5-3.

(2) A letter confirming the availability of public sewer service from the Isle of Palms Water and Sewer Commission and a statement from the owner agreeing to provide public sewer service to the proposed lots.

(3) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).

Review shall follow the procedures set forth for final plats in section 5-5-6; provided, however, that if the Building Official determines that street or drainage system modifications are required, the application shall be construed as one for issuance of a preliminary plat pursuant to section 5-5-4.”

SECTION 7. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 8. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 9. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

*Passed First Reading on 10/24/17
Revised 1/18/18 for Second Reading*

Marie B. Copeland, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

ORDINANCE 2017-09

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE THAT ALL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS SHALL BE CONNECTED TO A PUBLIC SEWER SYSTEM WHERE A PUBLIC SEWER LINE IS LOCATED WITHIN ONE HUNDRED FIFTY (150') FEET AND TO REDUCE THE LOT COVERAGE REQUIREMENTS AND FLOOR AREA RATIO REQUIREMENTS FOR LOTS WITH SEPTIC SYSTEMS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Section 5-4-2, "Definitions," is hereby amended to state as follows:

"Sec. 5-4-2. - Definitions.

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

(1) *Accessory building or use* means a use or building customarily incidental, subordinate to, and detached from the principal use or building and located on the same lot with such principal use or building.

(2) *Adjoining property* means any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, watercourses, drainage easements or other rights-of-way from other real property.

(3) *Adult uses* means sexually oriented businesses which are characterized by the exposure, depiction, or description of specified anatomical areas, or specified sexual activities by any method, manner, or device, including but not limited to the following:

(a) Regularly featuring persons who are nude, whether live, in films, motion pictures, videos, slides, or other photographic reproductions;

(b) Distribution of any one (1) or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, videocassettes, video reproductions, slides, or other visual representations; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, as defined herein; or

(c) Escort services, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes the fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or breasts; sexual acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, masturbation, actual or simulated; or excretory functions as part of or in connection with any of the foregoing acts.

(4) *Antenna* means a device, dish or array utilized by commercial, governmental, or other public or quasi-public users to transmit or receive telecommunications signals.

(5) *Building line or setback* means a line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way pursuant to this chapter.

(6) *Charter boat* means watercraft for hire where captain or crew is provided.

(7) *Communication tower* means a structure of any type which supports communication equipment for signal transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, but excluding communication towers used exclusively by amateur radio operators who are duly licensed by the Federal Communications Commission and which are exempt from municipal zoning regulations.

(8) *Conditional use* means a use permitted in a zoning district only by complying with additional conditions, restrictions or limitations as set forth in the description of such use.

(9) *Diameter at breast height (DBH)* means the diameter of a tree trunk, measured in inches, at four and one-half feet (4½') above the existing grade of the property. If a tree has a multi-trunk split above grade, the DBH is deemed to be the sum of all trunks of the tree measured in inches, at four and one-half feet (4½') above the existing grade of the property.

(10) *Drinking place* means a business primarily engaged in the sale of alcoholic beverages, beer or wine, for on-premises consumption.

(11) *Dwelling* means a building or portion of a building used, arranged or designed to provide private human residential occupancy, excluding mobile homes and manufactured homes.

a. *Dwelling, single-family*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.

b. *Dwelling, two-family*, means a detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.

c. *Dwelling, group*, means a building or portion of a building occupied or intended for occupancy by several family units, but in which separate cooking facilities are not provided. The term "group dwelling" includes roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.

d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(12) *Eating place, fast food*, means a business primarily engaged in the sale of ready-to-consume food or beverages for on or off-premises consumption. An eating place or restaurant shall be deemed a fast food eating place if:

(1) It has a seating capacity of less than twenty (20) persons for service of meals;

(2) Most food items are already prepared or packaged before the customer places an order; and

(3) Food and beverages are served primarily with disposable containers and tableware.

The term "fast food eating place" excludes retail grocery stores, convenience stores, delicatessens, or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.

(13) *Eating place, restaurant*, means a business primarily engaged in the preparation and sale of food to customers for on-premises consumption and having seating capacity for at least twenty (20) persons, including, but not limited to, cafes, lunch counters, cafeterias, eating and drinking establishments, or similar businesses, but excludes a fast food eating place or a drinking place. Any carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.

(14) *Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

(15) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.

(16) *Fence* means any manmade barrier that impedes or blocks free passage of humans or animals. It may or may not block line-of-sight vision or free flow of wind or water.

(17) *Floor area ratio (FAR)* means a percentage calculated by dividing the total livable floor area of a structure on a lot by the total area of contiguous high land of such lot.

(18) *Front yard* means an open area between the front of the building and the front lot line.

(19) *Frontage* means all of the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line.

(20) *Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

(21) *Hazardous tree* means any tree that is causing structural damage or poses a clear and imminent threat of structural damage, as determined in writing by a certified arborist, to an enclosed area of a primary building, including porches, or any other permanent accessory structure that would require a building permit, or a septic tank system. The term does not include trees causing structural damage or threatening structural damage to accessory structures that would not require a building permit or to any unenclosed areas of primary buildings.

(22) *Height of a structure* means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. Except for height limitations of communication towers and antennae contained in this chapter, the zoning district height limitations contained in this chapter shall not apply to church spires, chimneys, antennas, communication towers or aerials.

(23) *Historic tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of sixteen (16) inches or greater or any tree of any other species having a diameter at breast height (DBH) of twenty-four (24) inches or greater.

(24) *Home occupation* means a use customarily conducted in a dwelling and which is conducted entirely inside the primary residence of the principal owner of the business, and does not constitute a nuisance or otherwise adversely affect the use and development of other property in the neighborhood.

(25) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:

a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.

b. Temporary habitation by transient guests normally involves durations of less than ninety (90) days. If a majority of the facility's occupants reside for more than ninety (90) consecutive days, the facility is deemed to be a multifamily dwelling.

(26) *Impervious material* means any material through which water cannot penetrate. Such material includes, but is not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances, but excludes gravel, shell or crushed stone.

(27) *Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. Isle of Palms Water and Sewer Commission is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

(28) *Junkyards or salvage yards* means the use of any property for the storage, keeping, abandonment, sale or resale of junk, salvage, waste or scrap materials; or the dismantling, demolition or abandonment of vehicles, machinery, equipment or any parts thereof.

(29) *Lot* means a parcel of land described by metes and bounds at the County RMC Office, and having a County Tax Map System (TMS) number assigned to it.

(30) *Lot coverage* means the percentage of contiguous high land on a lot that can be covered with impervious material.

(31) *Lot, double frontage*, means a lot having a frontage on two (2) streets, other than at their intersection, as distinguished from a corner lot.

(32) *Mobile home* means a manufactured home as defined by State law.

(33) *Natural grade* means the elevation of the undisturbed natural surface of the property.

(34) *Nonconforming lot, structure, or use* means a lot, structure or use which does not comply with the regulations of the zoning district in which it is located.

(35) *OCRM* means the State Office of Ocean and Coastal Resource Management, or its successor.

(36) *On-site wastewater disposal system* means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems.

(37) *Public sewer line* means a gravity operated sewer line operated and maintained by the Isle of Palms Water and Sewer Commission.

(38) *Public sewer system* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

(39) *Rear yard* means an open area, excluding accessory buildings, between the rear line of the building and the rear lot line.

(40) *Removal of a tree* means any intentional or negligent act which:

- a. Cuts down or otherwise destroys or removes a tree;
- b. Causes a tree to decline and die, including, but not limited to:
 - 1. Damage inflicted upon the root system of a tree by the application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the tree trunk;
 - 2. Damage from injury or fire which results in pest infestation;
 - 3. Damage resulting from the attachment or use of ropes, wires or other similar devices; or
 - 4. Damage resulting from improper pruning or trimming; or
- c. Subdivides property in such a manner that a tree is at or near the center of a lot or in a location on the lot that requires the removal of the tree for construction of a dwelling unit or other structure.
- d. The term does not include removing palm trees when the palm trees are transplanted or replaced in compliance with section 5-4-66.

(41) *Septic tank system* means an on-site wastewater treatment system consisting of an underground tank, distribution box and drain field.

(42) *Significant tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of eight (8) inches to sixteen (16) inches or any tree of any other species having a diameter at breast height (DBH) of eight (8) inches to twenty-four (24) inches.

(43) *Side yard* means an open area between the building and the side lot line. Any lot line which is not a rear lot line or a front lot line shall be deemed to be a side lot line.

(44) *Specialized on-site wastewater disposal system* (also known as *Engineered on-site wastewater disposal system*) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

(45) *Street line* means a line separating the street or other right-of-way from a lot.

(46) *Structure* means anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, dwellings, mobile homes, fixtures, towers, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. The term "structure" shall be construed to include any part thereof.

(47) *Trailer* means any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flatbeds or other carriers, which is designed or utilized to:

(i) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;

(ii) Serve as a carrier of new or used goods, products or equipment;
or

(iii) Be used as a selling, advertising or display device.

(48) *Travel trailer* means a portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for recreational and vacation uses.

(49) *Tree* means any woody plant which has a diameter breast height (DBH) of at least eight inches (8"), including palm trees, but excluding pine trees and any tree identified as an invasive pest species in "Invasive Plant Pest Species of South Carolina," published by Clemson Extension.

(50) *Tree protection zone* means a circular area surrounding the base of a tree having a diameter equal to one foot (1') for each inch of DBH.

(51) *Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present."

SECTION 2. That Paragraph (e) of Section 5-4-12, "Additional regulations," is hereby amended to state as follows:

"(e) All new construction or substantial improvements, as those terms are defined in section 5-4-155, shall be connected to the public sewer system if a public sewer line abuts a property or could abut a property with an extension of the sewer line of one hundred fifty (150') feet or less, as determined by the Isle of Palms Water and Sewer Commission. Where a gravity operated public sewer line does not abut a property or would require an extension of the sewer line of more than one hundred fifty (150') feet to reach a property, all new construction or substantial improvements must have an on-site wastewater disposal system or grinder pump system constructed or brought into compliance with current South Carolina

Department of Health and Environmental Control (SCDHEC) standards; provided, however, that if the property cannot meet current SCDHEC on-site wastewater disposal system or grinder pump system standards, the building on such property shall not be increased in size and the improvements shall not increase the number of bedrooms or bathrooms.”

SECTION 3. That Paragraphs (1)(a) and (1)(b) of Section 5-4-13, “Maximum lot coverage; floor area ratio requirements; additional setback requirements,” are hereby amended to state as follows:

“1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:

(a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet.

(b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet nor allow such enclosed space to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this floor area ratio shall be reduced from forty (40%) percent to not greater than thirty (30%) percent, provided that this requirement shall not limit the enclosed living space of a principal structure to less than two thousand four hundred (2,400) square feet nor allow the enclosed living space of a principal structure to exceed five thousand two hundred fifty (5,250) square feet.”

SECTION 4. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 5. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 6. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: October 24, 2017

Public Hearing: January 23, 2018

Second Reading: _____

Ratification: _____

ORDINANCE 2017-09

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE THAT ALL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS SHALL BE CONNECTED TO A PUBLIC SEWER SYSTEM WHERE A PUBLIC SEWER LINE IS LOCATED WITHIN ONE HUNDRED FIFTY (150') FEET AND TO REDUCE THE LOT COVERAGE REQUIREMENTS AND FLOOR AREA RATIO REQUIREMENTS FOR LOTS WITH SEPTIC SYSTEMS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Section 5-4-2, "Definitions," is hereby amended to state as follows:

"Sec. 5-4-2. - Definitions.

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

(1) *Accessory building or use* means a use or building customarily incidental, subordinate to, and detached from the principal use or building and located on the same lot with such principal use or building.

(2) *Adjoining property* means any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, watercourses, drainage easements or other rights-of-way from other real property.

(3) *Adult uses* means sexually oriented businesses which are characterized by the exposure, depiction, or description of specified anatomical areas, or specified sexual activities by any method, manner, or device, including but not limited to the following:

(a) Regularly featuring persons who are nude, whether live, in films, motion pictures, videos, slides, or other photographic reproductions;

(b) Distribution of any one (1) or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, videocassettes, video reproductions, slides, or other visual representations; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, as defined herein; or

(c) Escort services, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

Specified anatomical areas means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

Specified sexual activities means and includes the fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or breasts; sexual acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, masturbation, actual or simulated; or excretory functions as part of or in connection with any of the foregoing acts.

(4) *Antenna* means a device, dish or array utilized by commercial, governmental, or other public or quasi-public users to transmit or receive telecommunications signals.

(5) *Building line or setback* means a line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way pursuant to this chapter.

(6) *Charter boat* means watercraft for hire where captain or crew is provided.

(7) *Communication tower* means a structure of any type which supports communication equipment for signal transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, but excluding communication towers used exclusively by amateur radio operators who are duly licensed by the Federal Communications Commission and which are exempt from municipal zoning regulations.

(8) *Conditional use* means a use permitted in a zoning district only by complying with additional conditions, restrictions or limitations as set forth in the description of such use.

(9) *Diameter at breast height (DBH)* means the diameter of a tree trunk, measured in inches, at four and one-half feet (4½') above the existing grade of the property. If a tree has a multi-trunk split above grade, the DBH is deemed to be the sum of all trunks of the tree measured in inches, at four and one-half feet (4½') above the existing grade of the property.

(10) *Drinking place* means a business primarily engaged in the sale of alcoholic beverages, beer or wine, for on-premises consumption.

(11) *Dwelling* means a building or portion of a building used, arranged or designed to provide private human residential occupancy, excluding mobile homes and manufactured homes.

a. *Dwelling, single-family*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.

b. *Dwelling, two-family*, means a detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.

c. *Dwelling, group*, means a building or portion of a building occupied or intended for occupancy by several family units, but in which separate cooking facilities are not provided. The term "group dwelling" includes roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.

d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(12) *Eating place, fast food*, means a business primarily engaged in the sale of ready-to-consume food or beverages for on or off-premises consumption. An eating place or restaurant shall be deemed a fast food eating place if:

(1) It has a seating capacity of less than twenty (20) persons for service of meals;

(2) Most food items are already prepared or packaged before the customer places an order; and

(3) Food and beverages are served primarily with disposable containers and tableware.

The term "fast food eating place" excludes retail grocery stores, convenience stores, delicatessens, or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.

(13) *Eating place, restaurant*, means a business primarily engaged in the preparation and sale of food to customers for on-premises consumption and having seating capacity for at least twenty (20) persons, including, but not limited to, cafes, lunch counters, cafeterias, eating and drinking establishments, or similar businesses, but excludes a fast food eating place or a drinking place. Any carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.

(14) *Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

(15) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.

(16) *Fence* means any manmade barrier that impedes or blocks free passage of humans or animals. It may or may not block line-of-sight vision or free flow of wind or water.

(17) *Floor area ratio (FAR)* means a percentage calculated by dividing the total livable floor area of a structure on a lot by the total area of contiguous high land of such lot.

(18) *Front yard* means an open area between the front of the building and the front lot line.

(19) *Frontage* means all of the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line.

(20) *Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

(21) *Hazardous tree* means any tree that is causing structural damage or poses a clear and imminent threat of structural damage, as determined in writing by a certified arborist, to an enclosed area of a primary building, including porches, or any other permanent accessory structure that would require a building permit, or a septic tank system. The term does not include trees causing structural damage or threatening structural damage to accessory structures that would not require a building permit or to any unenclosed areas of primary buildings.

(22) *Height of a structure* means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. Except for height limitations of communication towers and antennae contained in this chapter, the zoning district height limitations contained in this chapter shall not apply to church spires, chimneys, antennas, communication towers or aerials.

(23) *Historic tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of sixteen (16) inches or greater or any tree of any other species having a diameter at breast height (DBH) of twenty-four (24) inches or greater.

(24) *Home occupation* means a use customarily conducted in a dwelling and which is conducted entirely inside the primary residence of the principal owner of the business, and does not constitute a nuisance or otherwise adversely affect the use and development of other property in the neighborhood.

(25) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:

a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.

b. Temporary habitation by transient guests normally involves durations of less than ninety (90) days. If a majority of the facility's occupants reside for more than ninety (90) consecutive days, the facility is deemed to be a multifamily dwelling.

(26) *Impervious material* means any material through which water cannot penetrate. Such material includes, but is not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances, but excludes gravel, shell or crushed stone.

(27) *Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. Isle of Palms Water and Sewer Commission is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

(28) *Junkyards or salvage yards* means the use of any property for the storage, keeping, abandonment, sale or resale of junk, salvage, waste or scrap materials; or the dismantling, demolition or abandonment of vehicles, machinery, equipment or any parts thereof.

(29) *Lot* means a parcel of land described by metes and bounds at the County RMC Office, and having a County Tax Map System (TMS) number assigned to it.

(30) *Lot coverage* means the percentage of contiguous high land on a lot that can be covered with impervious material.

(31) *Lot, double frontage*, means a lot having a frontage on two (2) streets, other than at their intersection, as distinguished from a corner lot.

(32) *Mobile home* means a manufactured home as defined by State law.

(33) *Natural grade* means the elevation of the undisturbed natural surface of the property.

(34) *Nonconforming lot, structure, or use* means a lot, structure or use which does not comply with the regulations of the zoning district in which it is located.

(35) *OCRM* means the State Office of Ocean and Coastal Resource Management, or its successor.

(36) *On-site wastewater disposal system* means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems.

(37) *Public sewer line* means a gravity operated sewer line operated and maintained by the Isle of Palms Water and Sewer Commission.

(38) *Public sewer system* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

(39) *Rear yard* means an open area, excluding accessory buildings, between the rear line of the building and the rear lot line.

(40) *Removal of a tree* means any intentional or negligent act which:

- a. Cuts down or otherwise destroys or removes a tree;
- b. Causes a tree to decline and die, including, but not limited to:
 - 1. Damage inflicted upon the root system of a tree by the application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the tree trunk;
 - 2. Damage from injury or fire which results in pest infestation;
 - 3. Damage resulting from the attachment or use of ropes, wires or other similar devices; or
 - 4. Damage resulting from improper pruning or trimming; or
- c. Subdivides property in such a manner that a tree is at or near the center of a lot or in a location on the lot that requires the removal of the tree for construction of a dwelling unit or other structure.
- d. The term does not include removing palm trees when the palm trees are transplanted or replaced in compliance with section 5-4-66.

(41) *Septic tank system* means an on-site wastewater treatment system consisting of an underground tank, distribution box and drain field.

(42) *Significant tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of eight (8) inches to sixteen (16) inches or any tree of any other species having a diameter at breast height (DBH) of eight (8) inches to twenty-four (24) inches.

(43) *Side yard* means an open area between the building and the side lot line. Any lot line which is not a rear lot line or a front lot line shall be deemed to be a side lot line.

(44) *Specialized on-site wastewater disposal system* (also known as *Engineered on-site wastewater disposal system*) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

(45) *Street line* means a line separating the street or other right-of-way from a lot.

(46) *Structure* means anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, dwellings, mobile homes, fixtures, towers, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. The term "structure" shall be construed to include any part thereof.

(47) *Trailer* means any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flatbeds or other carriers, which is designed or utilized to:

(i) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;

(ii) Serve as a carrier of new or used goods, products or equipment;
or

(iii) Be used as a selling, advertising or display device.

(48) *Travel trailer* means a portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for recreational and vacation uses.

(49) *Tree* means any woody plant which has a diameter breast height (DBH) of at least eight inches (8"), including palm trees, but excluding pine trees and any tree identified as an invasive pest species in "Invasive Plant Pest Species of South Carolina," published by Clemson Extension.

(50) *Tree protection zone* means a circular area surrounding the base of a tree having a diameter equal to one foot (1') for each inch of DBH.

(51) *Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present."

SECTION 2. That Paragraph (e) of Section 5-4-12, "Additional regulations," is hereby amended to state as follows:

"(e) All new construction or substantial improvements, as those terms are defined in section 5-4-155, shall be connected to the public sewer system if a public sewer line abuts a property or could abut a property with an extension of the sewer line of one hundred fifty (150') feet or less, as determined by the Isle of Palms Water and Sewer Commission. Where a gravity operated public sewer line does not abut a property or would require an extension of the sewer line of more than one hundred fifty (150') feet to reach a property, all new construction or substantial improvements must have an on-site wastewater disposal system or grinder pump system constructed or brought into compliance with current South Carolina

Department of Health and Environmental Control (SCDHEC) standards; provided, however, that if the property cannot meet current SCDHEC on-site wastewater disposal system or grinder pump system standards, the building on such property shall not be increased in size and the improvements shall not increase the number of bedrooms or bathrooms.”

SECTION 3. That Paragraphs (1)(a) and (1)(b) of Section 5-4-13, “Maximum lot coverage; floor area ratio requirements; additional setback requirements,” are hereby amended to state as follows:

“1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:

(a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet.

(b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet nor allow such enclosed space to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this floor area ratio shall be reduced from forty (40%) percent to not greater than thirty (30%) percent, provided that this requirement shall not limit the enclosed living space of a principal structure to less than two thousand four hundred (2,400) square feet nor allow the enclosed living space of a principal structure to exceed five thousand two hundred fifty (5,250) square feet.”

SECTION 4. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 5. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 6. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

*Passed First Reading on 10/24/17
Revised 1/18/18 for Second Reading*

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

ORDINANCE 2018-04

AN ORDINANCE AMENDING TITLE 9, OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, SECTION 9-2-5, NOISE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO CHANGE THE HOURS DURING WHICH PILEDRIVERS AND OTHER APPARATUS ATTENDED WITH LOUD OR DISTURBING NOISES MAY BE OPERATED AND TO PROVIDE FOR EXCEPTIONS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Paragraph (d) of Section 9-2-5, "Noise," is hereby deleted in its entirety and replaced with the following new Paragraph (d) to state as follows:

"d. *Piledrivers and other apparatus, tools or equipment.* It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays or on the following legal holidays: January 1st (New Year's Day); Labor Day (first Monday in September); Thanksgiving Day (fourth Thursday in November); and December 25th (Christmas Day). Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances."

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Marie B. Copeland, City Clerk

First Reading: February 27, 2018

Second Reading: _____

Ratification: _____

ORDINANCE 2018-05

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE PARALLEL PARKING AND TO PROHIBIT DOUBLE PARKING ON THE PASSENGER SIDE OF VEHICLES ON PALM BOULEVARD BETWEEN 21ST AVENUE AND 40TH AVENUE; TO PROHIBIT BOAT TRAILER PARKING ALONG THE RIGHTS-OF-WAY OF WATERWAY BOULEVARD; TO PROHIBIT NON-RESIDENT BOAT TRAILER PARKING ALONG THE RIGHTS-OF-WAY OF 41ST AVENUE; TO PROVIDE EXEMPTIONS FOR EMERGENCY, LAW ENFORCEMENT AND OTHER PUBLIC SERVICE VEHICLES PARKED DURING THE PERFORMANCE OF OFFICIAL DUTIES OR PUBLIC SERVICE; TO REFERENCE DATE OF REVISED MANAGED BEACH PARKING SIGNANGE PLAN; AND TO PROVIDE FOR YEAR-ROUND ENFORCEMENT OF THE RESIDENT PARKING DISTRICTS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Article A, "General Provisions," Section 8-2-2, "General prohibitions," is hereby amended in Paragraph (1)(t) to state as follows:

- "(t) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:
- (a) Within four feet (4') of the pavement, except as otherwise posted;
 - (b) In any manner other than parallel parking in the direction of traffic;
and
 - (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way."

SECTION 2. That Article A, "General Provisions," Section 8-2-2, "General prohibitions," is hereby amended in Paragraph (2) to state as follows:

- "(2) No person shall park a truck or other vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials. Notwithstanding the provisions of this subsection to the contrary, patrons of the Isle of Palms Marina shall be permitted to park vehicles with attached boat trailers in accordance with the following requirements:
- (a) Vehicles displaying a valid resident parking permit in compliance with Article B of this chapter shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane where parking is not otherwise prohibited."

SECTION 3. That Article A, "General Provisions," Section 8-2-2, "General prohibitions," is hereby amended by adding a new Paragraph (3) to state as follows:

- "(3) The prohibitions in this section shall not apply to emergency, law enforcement, or other public service vehicles, or to vehicles belonging to persons under contract with the

City to perform a public service, when such vehicles are parked during the operator's performance of official duties or public services for the City."

SECTION 4. That Article B, "Resident Parking Districts," Section 8-2-23, "Dates and times of enforcement," is hereby amended to state as follows:

"The provisions in this article will be in effect year-round between the hours of 9:00 a.m. and 6:00 p.m."

SECTION 5. That Article B, "Resident Parking Districts," Section 8-2-31, "Obedience to parking regulations," is hereby amended in Paragraph (a)(16) to state as follows:

"(16) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:

- (a) Within four feet (4') of the pavement, except as otherwise posted;
- (b) In any manner other than parallel parking in the direction of traffic; and
- (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way."

SECTION 6. That Article B, "Resident Parking Districts," Section 8-2-31, "Obedience to parking regulations," is hereby amended in Paragraph (c) to state as follows:

"(c) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, is prohibited upon any street right-of-way in a resident parking district for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials, except that vehicles displaying a valid resident parking permit shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane where parking is not otherwise prohibited for access to the Isle of Palms Marina."

SECTION 7. That Article B, "Resident Parking Districts," Section 8-2-32, "Areas designated as resident parking districts," is hereby amended to state as follows:

"The public rights-of-way designated by City Council as resident parking districts are depicted in green on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated _____, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website."

SECTION 8. That Article C, "Beach Parking," Section 8-2-45, "Obedience to parking regulations," is hereby amended in Paragraph (p) to state as follows:

“(p) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:

- (1) Within four feet (4') of the pavement, except as otherwise posted;
- (2) In any manner other than parallel parking in the direction of traffic; and
- (3) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.”

SECTION 9. That Article C, “Beach Parking,” Section 8-2-46, “Areas designated as beach parking zones,” is hereby amended to state as follows:

“The public rights-of-way designated by City Council as beach parking zones are depicted in red on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated _____, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.”

SECTION 10. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 11. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 12. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

Title 8 – Motor Vehicles and Traffic
Chapter 2 – Stopping, Standing, and Parking of Vehicles

Article A – General Provisions

Sec. 8-2-2. - General prohibitions.

- (1) No person shall stop, stand, or park a vehicle in any of the following public places or manners except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, parking control officer, other authorized person, or traffic control device:
 - (a) On a sidewalk;
 - (b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
 - (c) Within an intersection or within twenty-five feet (25') of the center of an intersection;
 - (d) Within thirty feet (30') of a stop sign;
 - (e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
 - (f) Along any street curb painted yellow;
 - (g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
 - (h) More than eighteen inches (18") from the street curb;
 - (i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
 - (j) In the opposite direction of the movement of traffic;
 - (k) Along side or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
 - (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
 - (m) In front of a place of business for longer than two (2) hours between the hours of 9:00 a.m. and 5:00 p.m., except for Sundays and State and Federally sanctioned holidays, unless a different regulation is provided by sign or a pay station;
 - (n) In any area of a public parking lot not marked as a single parking space;
 - (o) In any parking space where payment is required, unless the proper payment has been deposited so that the occupancy of the space does not exceed the time indicated on the pay station receipt;
 - (p) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under State law;
 - (q) On the approaches to or upon any bridge;
 - (r) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
 - (s) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
 - (t) **Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:**
 - (a) **Within four feet (4') of the pavement ~~along the right-of-way~~ of Palm Boulevard except as otherwise posted;**

(b) In any manner other than parallel parking in the direction of traffic; and

(c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.

- (u) On a beach access as defined in section 5-4-15(C)(l), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access. Any vehicle parked in violation of this subsection may be moved from its location upon order of any police officer.
- (2) No person shall park a truck or other vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials. Notwithstanding the provisions of this subsection to the contrary, patrons of the Isle of Palms Marina shall be permitted to park vehicles with attached boat trailers in accordance with the following requirements:

(a) Vehicles displaying a valid resident parking permit in compliance with Article B of this chapter shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane and Waterway Boulevard where parking is not otherwise prohibited; and

(b) All other vehicles shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue where parking is not otherwise prohibited or designated as resident parking pursuant to Article B of this chapter.

- (3) The prohibitions in this section shall not apply to emergency, law enforcement, or other public service vehicles, or to vehicles belonging to persons under contract with the City to perform a public service, when such vehicles are parked during the operator's performance of official duties or public services for the City.

Article B – Resident Parking Districts

Sec. 8-2-23. - Dates and times of enforcement.

The provisions in this article will be in effect year-round from May 15 through September 15 between the hours of 9:00 a.m. and 6:00 p.m.

Sec. 8-2-31. - Obedience to parking regulations.

(a) Vehicles with resident parking permits or special permits parking within a resident parking district shall observe and obey the parking regulations posted within the district and as set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter, including, but not limited to, the prohibitions on parking in the following places or manners:

- (1) On a sidewalk;
- (2) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
- (3) Within an intersection or within twenty-five feet (25') of the center of an intersection;
- (4) Within thirty feet (30') of a stop sign;
- (5) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
- (6) Along any street curb painted yellow;

- (7) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
- (8) More than eighteen inches (18") from the street curb;
- (9) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
- (10) In the opposite direction of the movement of traffic;
- (11) Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
- (13) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under state law;
- (14) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
- (15) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
- (16) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:
 - (a) Within four feet (4') of the pavement, except as otherwise posted; Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;
 - (b) In any manner other than parallel parking in the direction of traffic; and
 - (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way. Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;
- (17) On a beach access as defined in section 5-4-15(C)(1), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access.

(b) No such resident parking permit or special permit shall exempt a vehicle from any regulation related to parking in the commercial districts or to paid parking spaces, parking pay stations and kiosks along the public streets or in the public parking lots; provided, however, that City Council may designate certain times for vehicles with valid resident parking permits to park in the public parking lots free of charge.

(c) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, is prohibited upon any street right-of-way in a resident parking district for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials, except that vehicles displaying a valid resident parking permit shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane and Waterway Boulevard where parking is not otherwise prohibited for access to the Isle of Palms Marina.

Sec. 8-2-32. - Areas designated as resident parking districts.

The public rights-of-way designated by City Council as resident parking districts are depicted in green on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits

Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated ~~Insert new date~~ March 3, 2017, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.

Article C – Beach Parking

Sec. 8-2-45. - Obedience to parking regulations.

All vehicles parking within the designated beach parking zones shall observe and obey the parking regulations posted within such areas and as set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter, including, but not limited to, the prohibitions on parking in the following places or manners:

- (a) On a sidewalk;
- (b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
- (c) Within an intersection or within twenty-five feet (25') of the center of an intersection;
- (d) Within thirty feet (30') of a stop sign;
- (e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
- (f) Along any street curb painted yellow;
- (g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
- (h) More than eighteen inches (18") from the street curb;
- (i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
- (j) In the opposite direction of the movement of traffic;
- (k) Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
- (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
- (m) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under state law;
- (n) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
- (o) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
- (p) AAlong the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:
 - (1) Within four feet (4') of the pavement, except as otherwise posted;Within four feet (4') of the pavement along the right-of-wayof Palm Boulevard except as otherwise posted;
 - (2) In any manner other than parallel parking in the direction of traffic; and
 - (3) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way;Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;

- (q) On a beach access as defined in section 5-4-15(C)(1), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access;
- (r) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way in a beach parking zone for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials.

Sec. 8-2-46. - Areas designated as beach parking zones.

The public rights-of-way designated by City Council as beach parking zones are depicted in red on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated **Insert new date** ~~March 3, 2017~~, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.

ORDINANCE 2018-06

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 20189

WHEREAS, Subsection 3 of Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that a municipal council shall act by ordinance to levy taxes and adopt a budget pursuant to public notice;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Isle of Palms, South Carolina, in council duly assembled, that the following provisions are hereby adopted and enacted:

Section 1. The prepared budget and estimated revenue for the payment of the same is hereby adopted and made a part hereof as if fully incorporated herein and a copy thereof dated _____, is attached hereto.

Section 2. The City Administrator shall administer the budget and may authorize the transfer of appropriated funds within departments as necessary to achieve the goals of the budget as established by City Council.

Section 3. If, for any reason, any sentence, clause or provision of this ordinance shall be declared invalid, such shall not affect the remaining portions thereof.

Section 4. This ordinance shall become effective immediately upon its ratification by City Council.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF ISLE OF PALMS ON THIS ____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

Seal

Marie B. Copeland, City Clerk

First Reading: April 24, 2018
Public Hearing:
Second Reading:
Ratification:

ORDINANCE 2018-07

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, ARTICLE A, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE ADDITIONAL REGULATIONS RELATED TO PARKING IN LOADING ZONES; TO INCREASE THE FINE FOR PARKING IN VIOLATION OF LOADING ZONE REGULATIONS TO \$100.00; TO DECLARE CERTAIN PARKED VEHICLES AS NUISANCES AND TO PROVIDE FOR THE IMMOBILIZATION AND IMPOUNDMENT OF SAME; TO PROVIDE ADDITIONAL REGULATIONS FOR IMMOBILIZATION AND IMPOUNDMENT OF CERTAIN VEHICLES; TO PROVIDE REFERENCE TO STATE LAW RELATED TO HANDICAPPED PARKING; AND TO AMEND ADMINISTRATIVE PROVISIONS RELATED TO DEPOSIT OF MONIES COLLECTED FROM PAY PARKING FEES AND PENALTIES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That the provisions contained in Article A, "General Provisions," of Chapter 2, Title 8, are hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference as if set forth verbatim.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 22nd DAY OF MAY, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: April 24, 2018

Public Hearing: April 24, 2018

Second Reading: May 22, 2018

Ratification: May 22, 2018

ORDINANCE 2018-07

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, ARTICLE A, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE ADDITIONAL REGULATIONS RELATED TO PARKING IN LOADING ZONES; TO INCREASE THE FINE FOR PARKING IN VIOLATION OF LOADING ZONE REGULATIONS TO \$100.00; TO DECLARE CERTAIN PARKED VEHICLES AS NUISANCES AND TO PROVIDE FOR THE IMMOBILIZATION AND IMPOUNDMENT OF SAME; TO PROVIDE ADDITIONAL REGULATIONS FOR IMMOBILIZATION AND IMPOUNDMENT OF CERTAIN VEHICLES; TO PROVIDE REFERENCE TO STATE LAW RELATED TO HANDICAPPED PARKING; AND TO AMEND ADMINISTRATIVE PROVISIONS RELATED TO DEPOSIT OF MONIES COLLECTED FROM PAY PARKING FEES AND PENALTIES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That the provisions contained in Article A, "General Provisions," of Chapter 2, Title 8, are hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference as if set forth verbatim.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 22nd DAY OF MAY, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: April 24, 2018

Public Hearing: April 24, 2018

Second Reading: May 22, 2018

Ratification: May 22, 2018

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LAW ENFORCEMENT MUTUAL MUTUAL AID AGREEMENT

This agreement is made and entered into this 20th day of December, 2017, by and between the **TOWN OF MOUNT PLEASANT POLICE DEPARTMENT** and the **ISLE OF PALMS POLICE DEPARTMENT** (hereinafter the "Parties") and shall be effective on the date that the agreement has been signed by both Parties and approved by their governing bodies.

WHEREAS, as amended on June 3, 2016, South Carolina Code Ann. Section 23-20-10, et seq., provides that counties, incorporated municipalities, or other political subdivisions of this State may enter into mutual aid agreements as may be necessary for the proper and prudent exercise of public safety functions across jurisdictional lines, including but not limited to, multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety and other emergency service situations; and

WHEREAS, the Parties desire to enter into such an agreement for the purpose of assisting one another in the proper provision and prudent exercise of public safety functions across jurisdictional lines; and

WHEREAS, it is the desire and intent of the Parties to evidence their joint undertaking for the provision of assistance in law enforcement matters by the temporary assignment of law enforcement officers between jurisdictions to the fullest extent as is allowed by law; and,

WHEREAS, it is the intent of the Parties to share jurisdiction under this written agreement to the fullest extent permitted under South Carolina law; and

WHEREAS, the purpose of this Agreement is to define the scope of such mutual aid and the responsibilities of the Parties hereto:

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties agree as follows:

I. Statement of Specific Services to be Provided.

A. Mutual Aid: The assistance to be rendered pursuant to this Agreement shall include the temporary transfer or assignment of law enforcement officers and/or equipment from one party's jurisdiction to the other for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines.

1) Public Safety Functions include, but are not limited, to:

- a) multi-jurisdictional task forces;
- b) criminal investigations (including, but not limited to, investigations relating to illegal narcotics and narcotics related activities);
- c) patrol services;
- d) crowd control;

- e) traffic control and safety; and
- f) other emergency service situations.

2) Other Emergency Service Situations include, but are not limited, to:

- a) riot or disorder;
- b) natural disasters;
- c) mass processing of arrests;
- d) transporting prisoners;
- e) operating temporary detention facilities; and
- f) vehicular pursuits.

B. Procedure for Requesting Assistance

1) Request. A request for assistance pursuant to this agreement shall only be made by the head of the requesting law enforcement agency or his or her designee. The request shall include a description of the situation creating the need for assistance, the number of law enforcement officers requested, the location to which the personnel are to be dispatched, and the officer in charge at such location.

2) Reply. A reply to any request for assistance pursuant to this agreement shall only be made by the head of the assisting law enforcement agency or his or her designee. If the request is granted, the requesting law enforcement agency shall be immediately informed of the number of law enforcement officers to be furnished.

C. Procedures when Assisting

1) Officer in Charge. The personnel transferred or assigned by the assisting law enforcement agency shall report to the Officer-In-Charge of the requesting law enforcement agency at the designated location or by way of radio contact. The personnel transferred or assigned by the assisting law enforcement agency shall be under the direction and authority of one superior authority from their own agency/jurisdiction, who in turn shall be under the direction and authority of the host requesting jurisdiction. The assisting law enforcement officers shall exert their best efforts to cooperate with, and aid, the requesting law enforcement agency.

2) Radio Communication. Radio communication between the requesting law enforcement agency and the assisting law enforcement officers shall be maintained by use of the Consolidated Dispatch Radio System, unless a radio channel that is mutually shared by the Parties hereto is otherwise available.

3) Release. The assisting law enforcement officers temporarily transferred or assigned shall be released by the Officer-In-Charge when their services are no longer required or when they are needed to respond to a situation within the geographical boundaries of their own jurisdiction; provided, however, the

assisting law enforcement officers shall use their best efforts to complete the requested services prior to being released.

D. Vesting of Authority and Jurisdiction. To the fullest extent permitted by the Constitution and statutes of this state, for purposes of investigation, arrest, or any other activity related to the purpose for which they were requested pursuant to this agreement, assisting officers shall be vested with the same jurisdiction, authority, powers, privileges, immunities, rights, and duties to enforce the laws of the State of South Carolina and/or the laws of the requesting municipality and/or county, as the requesting agency's officers.

II. Financial Issues.

A. Compensation and Reimbursement.

1. The temporary transfer or assignment of law enforcement officers made pursuant to this Agreement shall in no manner affect or reduce the compensation, pension or retirement rights of such transferred or assigned officers, and such officers shall continue to be paid by the agency where they are permanently employed.

2. The Parties agree that compensation and/or reimbursement for services provided hereunder shall be limited to the reciprocal provision of services of like kind, to include the ancillary benefits of increased investigation and prevention of crime in their respective jurisdictions.

3. Any other agreement for reimbursement between the Parties must be written and executed in the same manner as this agreement.

B. Costs and Expenses. Except as otherwise provided herein, each party shall bear its own costs and expenses incurred in the performance of its obligations hereunder.

C. Insurance and Bond. It is agreed and understood that the Parties hereto shall be solely responsible for maintaining such insurance protection and workers compensation coverage on its employees as may be required by law or deemed advisable by the party. The bond, if any, for any officers operating under this agreement, shall include coverage for their activity in the other jurisdiction covered by this agreement in the same manner and to the same extent provided by the bonds of regularly employed officers of that county or municipality.

III. Arrangements for use of Equipment and Facilities.

A. Supply and Provision of Equipment and Facilities. Each party shall be responsible for the maintenance of its own equipment and shall supply the equipment for its law enforcement officers. The host agency will procure and provide the facilities for law enforcement operations and will designate its location at the time assistance is requested unless otherwise agreed upon by the Parties.

B. Damage to Equipment. Each party shall bear the risk of its damage or loss to its own equipment; provided, however, that if the equipment is damaged by the acts or omissions of employees of the other party, then the other party shall reimburse the damaged party for its loss.

IV. Records and the Processing of Requests Pursuant to the Freedom of Information Act.

A. Records. The requesting law enforcement agency shall be primarily responsible to maintain records relating to the purpose for which assistance has been requested. Each law enforcement agency, however, shall maintain its own personnel and other usually kept records as to its assigned officers. Each party shall make records relating to law enforcement activities conducted pursuant to this Agreement available to the other party upon request and without costs.

B. Processing Freedom of Information Act Requests. Each party shall be responsible for responding to Freedom of Information Act requests received by their agency in accordance with South Carolina Law. It is anticipated, but not required, that when responding to Freedom of Information Act requests the Parties will consult with one another to ensure their responses to such requests are complete, consistent and in compliance with South Carolina Law.

V. Legal Contingencies.

A. Lawsuits and Payment of Damages Arising from Provided Services. Neither party shall be responsible for defending any legal action brought against the other party or its employees arising out of circumstances in which assistance was requested or provided, nor shall it be responsible to pay any fees, costs, damages or verdicts incurred by the other party in such a legal action.

B. No Indemnification or Third-Party Rights. The Parties shall be solely responsible for the acts and omissions of their respective employees, officers and officials. No right of indemnification is created by this agreement and the Parties expressly disclaim such a right. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any person or entity not a party to this agreement.

VI. Stipulation Regarding Control Over Assisting Agency's Personnel

A. Primary Responsibility. It is agreed and understood that the primary responsibility of the Parties hereto is to provide law enforcement services within the geographical boundaries of their respective jurisdictions. Therefore, it is agreed that the law enforcement agency whose assistance is requested shall be the sole judge as to whether or not it can respond and to what extent it can comply with the request for assistance.

B. Employment Status. Nothing herein contained shall be construed or interpreted to imply that the law enforcement officers temporarily transferred or assigned in accordance with this Agreement shall be employees of the law enforcement agency requesting such assistance.

VII. Term, Duration, Modification and Termination.

A. Term and Duration. This Agreement is effective as to each party at the date and time of signing and will be reviewed annually and automatically renew each anniversary date, year to year, and term to term unless a party exercises its right to terminate as further described herein.

B. Modification. This Agreement shall not be modified, amended or changed in any manner except upon the express written consent of the Parties hereto.

C. Termination. This Agreement may be terminated by either party by providing written notice to the other party. Such notice becomes effective upon receipt of the notice by the other party.

VIII. General Provisions.

A. Responsibility to Respective Governing Bodies Each party is responsible for any approval requirements to their respective governing body as may be required under South Carolina law.

B. Severability. Should any part of this Agreement be found to be unenforceable by any court or other competent authority, the rest shall still remain in full force and effect.

C. Binding Successors in Office. All Parties agree that any and all successors in interest to their offices will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

IN WITNESS WHEREOF, these Parties have set their hands and seals at the date set forth above.

City of Isle of Palms:




Witness




Chief Thomas E. Buckhannon III

Witness

City Administrator Linda Tucker

Town of Mount Pleasant:


Witness

Witness


Chief Carl Ritchie

Mayor Will Haynie