

ORDINANCE 2021-13

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES, ARTICLE A, GENERAL PROVISIONS, SECTION 7-3-20, COMMERCIAL ACTIVITIES RESTRICTED, TO ALLOW YEAR-ROUND SURFING INSTRUCTION ON THE BEACH WITH CERTAIN CONDITIONS.

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 Title 7, Licensing and Regulation, Chapter 3, Beach and Marine Recreation Regulations, Article A, General Provisions, Section 7-3-20, "Commercial activities restricted," is hereby amended by deleting it in its entirety and replacing it with the following new Section 7-3-20 to state as follows:

"Sec. 7-3-20. - Commercial activities restricted.

- (a) No person shall sell or rent, or offer to sell or rent, any goods, merchandise, or services, or solicit any trade or business, on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, except pursuant to a franchise granted by City Council, pursuant to a City-sponsored activity or event, or as otherwise permitted in this Section.
- (b) Any commercial photographer or videographer who seeks to take photographs and/or shoot film or video in a professional capacity, must submit an application for a permit no later than fourteen (14) days prior to the shoot and satisfy the requirements to obtain such permit. The City may limit production of these activities at any time it believes it may create disruption on the beach or pose a health/safety risk to the public.

However, a commercial photographer who is not soliciting on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, will not be required to obtain a permit to implement a prior contract to take still photographs on the beach for a fee. The use of the beach to take still photographs for a fee shall be limited to no more than one (1) hour on the beach per day for this activity.

- (c) A commercial surf instructor may provide surf lessons on the beach by obtaining permission from City Council and a business license. Permission from City Council will only be considered upon application and with following conditions:
  - (i.) Area where surf lessons are allowed shall be dictated by the current boundary restrictions provided in Title 7, Chapter 3 of the City Code.

- (ii.) At least one instructor attending each lesson must be lifeguard, CPR, and first aid certified, with current certifications on file with the City. There must be a first aid kit on site.
- (iii.) Each surf instructor provider must carry liability insurance of at least \$1,000,000 that names the City of Isle of Palms as an additional insured. Proof of insurance shall be submitted to City with the application.
- (iv.) Surf instruction shall be limited to groups of four (4) or fewer students and at least one instructor, with a maximum of twelve (12) students and three (3) instructors per day per provider.
- (v.) Surf instruction shall not exceed more than two (2) hours per day per provider.
- (vi.) Surf instruction providers may not advertise on the beach. All signs, merchandise or other articles that violate Title 5, Chapter 4, Article 7 of the City Code are prohibited.
- (vii.) Surf instruction providers may not solicit for students on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge parking lot.
- (viii.) Surf instruction providers must indicate on the application the location where the lessons will be provided.
- (ix.) Surf instruction providers shall execute an indemnification agreement to be submitted with the application.
- (x.) Failure to adhere to these standards will result in automatic revocation of permission to conduct surfing instruction on the beach by City Council.
- (xi.) City Council shall have the authority to limit the number of permissions issued for commercial surfing instruction on the beach.
- (xii.) Permission shall be granted for one year which may be renewed annually upon application.”

**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 shall take effect on January 1, 2022.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 17 DAY OF November, 2021.



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Jimmy Carroll, Mayor

(Seal)

Attest:

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Nicole DeNeane, City Clerk

First Reading: October 26, 2021

Second Reading: November 17, 2021

Ratification: November 17, 2021