

ORDINANCE 2020-16

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES.

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, The Isle of Palms Council believes it is necessary to limit commercial activity on the beach to preserve the quality of life for citizens and to preserve the environment and for the benefit of public safety for its residents and visitors;

WHEREAS, The Isle of Palms Council believes it is also beneficial to the community to provide access to safe, quality surfing instruction during the beach season;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 3, to allow for commercial surfing instruction within limits during the 2021 beach season.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES, SHALL BE AMENDED TO READ AS FOLLOWS:

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

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, or pursuant to a City-sponsored activity or event.

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.

A commercial surf instructor may provide surf lessons on the beach to a maximum of four students until October 1, 2021 by obtaining permission from City Council and a business license. Permission from City Council will only be considered under the following conditions:

- (a) Area where surf lessons are allowed shall be dictated by the current boundary restrictions stated in the City Ordinances.
- (b) 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.
- (c) 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.
- (d) Surf instructions shall be limited to groups of four (4) or fewer students and at least one instructor.

- (e) Surf instruction shall not exceed two (2) hours per day per instructor; nor two (2) hours per day per student.
- (f) Surf instruction providers may not advertise on the beach. All signs, merchandise or other articles that violate Article 7-SIGNS of the City's ordinances are prohibited.
- (g) Surf instruction providers may not solicit for students on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge parking lot.
- (h) Failure to adhere to these standards will result in automatic revocation of permission to conduct surfing instruction on the beach by City Council.
- (i) City Council shall have the authority to limit the number of permissions issued for commercial surfing instruction on the beach

(Code 1994, § 7-3-20; Ord. No. 1988-20, 9-14-1988; Ord. No. 2002-14, § 1, 10-22-2002; Ord. No. 2010-12, § 1, 9-28-2010; Ord. No. 2019-12, § 1, 7-23-2019)

SECTION 2. 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 on January 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 25 DAY OF February, 2020

  
Jimmy Carroll, Mayor



Attest:

A handwritten signature in blue ink, appearing to read "Nicole J. DeNeane", is written over a horizontal line.

Nicole DeNeane, City Clerk

First Reading:

Second Reading:

Ratification: