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ORDINANCE 2025-01

AN ORDINANCE TO AMEND TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING STANDING, AND PARKING OF VEHICLES, ARTICLE A, GENERAL PROVISIONS, SECTIONS 8-2-5, 8-2-12, 8-2-15, 8-2-16, AND 8-2-19 OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.

WHEREAS, City Council finds that it is in the best interests of the public and desirable for the welfare of its government and affairs to contract with a private entity to administer the City's parking ordinances and programs;

WHEREAS, City Council finds that parking administration is a complex and time-consuming task that has placed undue administrative burdens on municipal staff;

WHEREAS, City Council finds that contracting with a private contractor for parking administration allows it to allocate resources more efficiently, permits law enforcement personnel to focus on priority public safety responsibilities, and reduces response times for calls for service;

WHEREAS, the City is solely responsible for establishing parking rules, regulations, violations, and the rates for its paid parking program, including parking fees, permit fees, and fines for violations, and has determined that contracting with a parking contractor to perform administrative functions is the most effective means to carry the City's parking ordinances into effect while maintaining sufficient supervision and control over the contractor's operations;

WHEREAS, the City, through use of a contract, shall maintain sufficient supervision and control of any parking contractor to ensure that said parking contractor performs administrative functions to carry the City's parking ordinances into effect;

WHEREAS, City Council finds that contracting with a private contractor for parking administration allows the City to allocate resources more efficiently and allows municipal staff to devote additional time to the City's core government functions and high-priority responsibilities;

WHEREAS, the City Council finds that contracting with a private contractor for parking administration allows it to avoid significant costs associated with hiring and training internal staff and investing in sophisticated parking technology systems, thereby allowing for more efficient allocation of municipal resources and freeing up additional funding for local projects and amenities;

WHEREAS, it is well established that a governmental entity may delegate ministerial and administrative functions to a private contractor, so long as the government retains oversight and control, and the South Carolina Attorney General has recognized that while governmental bodies may not delegate quasi-judicial functions, they may properly delegate enforcement and administrative duties through a contractual agreement;

WHEREAS, City Council finds that contracting with a private contractor for parking administration is in the interest of public health, safety, welfare, convenience and necessity, and thus for a public purpose;

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WHEREAS, the Isle of Palms City Council has the authority to amend its Code of Ordinances when it deems it to be in the best interest of the citizens of the City, and now desires to do so with respect to the subject of parking; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the City of Isle of Palms, that Sections 8-2-5, 8-2-12, 8-2-15, 8-2-16, and 8-2-19 of the Isle of Palms Code of Ordinances are hereby amended to specifically read as follows:

SECTION 1. That 8-2-5, 8-2-12, 8-2-15, 8-2-16, and 8-2-19 of the Isle of Palms Code of Ordinances be amended to state:

**Sec. 8-2-5. Passenger and loading zones.**

- (a) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone, by signage or a white painted curb, during the hours when the regulations applicable to such passenger zones are effective, and then only for a period not to exceed five (5) minutes.
- (b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of commercial materials in any place marked as a loading zone. The provisions of this paragraph shall be in effect twenty-four (24) hours a day, seven (7) days a week unless an official sign regulating stopping, standing or parking in a loading zones states otherwise. Any vehicle found in violation of this section will be towed or otherwise removed by or at the direction of the Police Department, and the owner of the vehicle shall be responsible for all towing, removal and storage costs arising therefrom in addition to any penalties imposed pursuant to section 8-2-14.

**Sec. 8-2-12. Parking Contractors and Notice of Parking Violations.**

- (a) The City may contract with a private entity (hereinafter referred to as a "parking contractor") to assist the City with administering and enforcing the City's parking ordinances and programs. The City, through use of a contract, shall maintain sufficient supervision and control of the parking contractor to ensure that the parking contractor only performs administrative functions to carry the City's parking ordinances into effect.
- (b) The Parking contractor shall administer the City's parking program at the direction of the City and in accordance with the City's parking ordinances. The City shall be solely responsible for establishing parking rules, regulations, violations, and the rates for its paid parking program, including parking fees, permit fees, and fines for violations.
- (c) Pursuant to S.C. Code 1976, § 5-7-32, City Council authorizes the Chief of Police to appoint employees of the parking contractor as code enforcement officers to administer and enforce the City's parking ordinances and programs. Code enforcement officers employed by the parking contractor may issue parking citations, collect payments, and perform other administrative duties as approved by City Council and in accordance with South Carolina law. Any employees of the parking contractor appointed as code enforcement officers shall not have the power of custodial arrest, and the City shall

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maintain sufficient supervision and control over any code enforcement officers by virtue of the contract with the parking contractor.

- (d) Any employees of the parking contractor appointed as code enforcement officers whose duties include parking enforcement activities, including the issuance of parking citations or collection or handling of money, shall:
  - (1) undergo criminal background checks and drug testing to be conducted by the parking contractor. The results of the background checks and drug tests shall be provided to the Chief of Police; and
  - (2) undergo a training program approved by the Chief of Police before they undertake any enforcement activities.
- (e) All employees of the parking contractor must be appointed as code enforcement officers and approved by the Chief of Police before they engage in any parking enforcement activities, and their approval to engage in these activities can be withdrawn by the Chief of Police or City Council at any time.
- (f) The parking contractor shall not be entitled to any revenues generated by way of parking fines, parking citations, boot fees, or immobilization fees.
- (g) Pursuant to S.C. Code 1976, § 56-7-80(G), a notice of violation of this article may be issued in the form of a parking citation by any police officer or other person appointed as a code enforcement officer. A copy of the parking citation shall be issued by placing it on the windshield of an illegally parked vehicle in a prominent place thereon. No parking citations shall be issued for violations of S.C. Code 1976, § 16-11-760, which requires the issuance of a uniform traffic ticket.
- (h) The parking citation must cite only one violation and must contain at least the following information:
  - (1) The state, license plate number, and make of the vehicle in violation of this article;
  - (2) The name and title of the person issuing the citation;
  - (3) The date and time when the citation was issued;
  - (4) The nature and description of the parking violation observed;
  - (5) The date, time and location of the hearing; and
  - (6) Information advising the owner/operator of the vehicle that they must admit the violation and pay the penalty set forth in section 8-2-14 or deny the violation and appear at the hearing in Municipal Court on the date and time provided on the citation, and advising that failure to do so may result in impoundment or immobilization of the vehicle.
- (i) The parking citation must be filed with the Municipal Court and may be disposed of only by official action of the Court or by payment of the fine. It shall be unlawful for any person to alter or destroy any parking citation issued under this article except in a manner consistent with this article and State law.

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**Sec. 8-2-15. Certain parked vehicles declared nuisance.**

- (a) Any vehicle parked on any street or other public property, whether in an authorized or unauthorized zone, which is found to be the subject of \$100.00 or more past due on outstanding parking fines issued pursuant to any state or city parking ordinance is hereby declared to be a public nuisance.
- (b) Any vehicle that has been identified as a public nuisance shall be subject to the following penalties until such outstanding fines are collected:
  - (1) Installation of an immobilization device on the vehicle pursuant to section 8-2-16;
  - (2) Impoundment of the vehicle pursuant to section 8-2-16(g).

**Sec. 8-2-16. Immobilization and impoundment of vehicles.**

- (a) A police officer or any other person designated by the Chief of Police may immobilize by the use of vehicle immobilization equipment any vehicle which is identified as a public nuisance pursuant to section 8-2-15.
- (b) When attaching vehicle immobilization equipment to a vehicle, the officer shall affix notice to the windshield or other part of the vehicle so as to be ready visible. The notice shall:
  - (1) Warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle;
  - (2) State the total amount of fines due for parking tickets which are overdue and unpaid that are attributable to such vehicle, in addition to an immobilization fine;
  - (3) List the address and telephone number to be contacted to pay the charges to have the vehicle immobilization equipment removed; and
  - (4) Warn that after forty-eight (48) hours, towing will occur.
- (c) The owner of an immobilized vehicle shall be subject to an immobilization fine of \$100.00 for the immobilization, which fee shall be exclusive of any bonds posted or fines imposed.
- (d) Upon payment of all fines, overdue and unpaid parking tickets, and the immobilization fine, the vehicle immobilization equipment shall be removed and the vehicle shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle.
- (e) It shall be unlawful for anyone to remove vehicle immobilization equipment placed on a vehicle pursuant to this section without all fines having first been paid or an approved payment having been made. The City shall not be responsible for any damage to an immobilized vehicle resulting from unauthorized attempts to free or move the vehicle.
- (f) The City assumes no liability for loss or damage to a vehicle or its contents that has been immobilized or impounded pursuant to this section.
- (g) If the parking fines and the immobilization fine are not paid, or satisfactory arrangements in lieu of payment are not made, within forty-eight (48) hours, the vehicle will be towed and impounded. Towing and storage charges shall be the responsibility of the vehicle owner.

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- (h) After the vehicle is towed, the Police Department shall notify in writing by registered or certified mail, return receipt requested, the person in whose name the vehicle was last registered at the last address reflected by the South Carolina Department of Motor Vehicles records that the vehicle is being held and designating the place where it is being held.
- (i) Vehicles which have been towed and impounded will not be released until all unpaid parking citations and immobilization fines have been paid. Vehicles impounded and not claimed within thirty (30) days may be disposed of in accordance with South Carolina state statutes.

**Sec. 8-2-19. Golf carts and Low Speed Vehicles (LSVs).**

- (a) Notwithstanding any other provision contained in this article to the contrary, golf carts and LSVs are allowed to park along public beach accesses within areas designated by the City for such parking.
- (b) No other vehicle aside from a golf cart or a LSV shall be authorized to park in locations identified by an official sign as a golf cart parking only zone.
- (c) In accordance with S.C. Code 1976, § 43-33-25, persons in possession of a state permit for operation of that golf cart and a handicap placard for its use on the beach are allowed access to the beach. Both permit and placard must be displayed on the golf cart at all times during this particular use.

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 immediately upon approval by City Council.

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PASSED AND APPROVED BY THE CITY COUNCIL FOR THE ISLE OF PALMS ON  
THE 25<sup>th</sup> DAY OF February, 2025.

Phillip Pounds

Phillip Pounds, Mayor

(Seal)

Attest: Nicole S. DeNeane

Nicole DeNeane, City Clerk

