

AGENDA
TOWN OF EDISTO BEACH
March 8, 2018
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

- I. **Call to Order**
- II. **Pledge of Allegiance and Invocation**
- III. **Approval of Minutes**
 - A. Regular Council Meeting Minutes, February 8, 2018
- IV. **New Business**
 - A. Resolution No. 2018-R06 Designating April 2018 as Fair Housing Month
 - B. First Reading of Ordinance No. 2018-07 To Amend Article III of Chapter 78 of the Code of Ordinances of the Town of Edisto Beach, entitled "Golf Carts"
 - C. State and Subrecipient Public Assistance Funding Agreement Hurricane Irma (FEMA-4346-DR-SC)
 - D. Retreat Pool/Bathroom Variance
- V. **Planning Commission**
 - A. First Reading of Ordinance No. 2018-02 An Ordinance to Enact Article IX of the Town's Zoning Ordinance Related to Fences on Private Lots
- VI. **Departmental Reports and Committee Updates**
- VII. **Public Comment Period**
- VIII. **Executive Session**
 - A. Contractual Negotiations-3708 Village Court [SC Code 30-4-70 (a) (2)]

Upon Returning to Open Session, Action May Be Taken By The Council on Items Discussed During the Executive Session
- IX. **Adjournment**

Fair Housing Resolution

WHEREAS, April 12, 2018, marks the 49th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights act of 1968, as amended, and the State of South Carolina enacted the South Carolina Fair Housing Law in 1989, that both support the policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the Town of Edisto Beach is committed to addressing discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every citizen of their right to fair housing; and

WHEREAS, the Town of Edisto Beach rejects discrimination on the basis of race, religion, color, sex, national origin, disability and/or familial status in the sale, rental, or provision of other housing services; and

WHEREAS, the Town of Edisto Beach desires that all its citizens be afforded the opportunity to attain decent, safe and sound living environment;

NOW THEREFORE, be it resolved that the Town of Edisto Beach does hereby designate April 2018 as being Fair Housing Month and, the Town of Edisto Beach recognizes the policy supporting Fair Housing in encouraging all citizens to endorse Fair Housing opportunities for all, not only during Fair Housing month but throughout the year.

SIGNED, SEALED AND ADOPTED BY Town Council this 8th day of March 2018.

Mayor Jane S. Darby

Mayor Pro Tem Crawford Moore

Councilwoman Susan Hornsby

Councilman Jerome Kizer

Councilwoman Patti Smyer

TOWN OF EDISTO BEACH

AN ORDINANCE

To Amend Article III of Chapter 78 of the Code of Ordinances of the Town of Edisto Beach, entitled "Golf Carts."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, that Article III of Chapter 78 of the Town's Code of Ordinances is amended to read as follows:

CHAPTER 78 TRAFFIC AND VEHICLES

ARTICLE III. Golf Carts

Sec. 78-50 GOLF CARTS ALLOWED ON CERTAIN STREETS.

Golf carts, as defined below, are permitted to be driven on most streets in the town subject to the provisions of this article.

Sec. 78-51 DEFINITIONS.

For the purpose of this article the following definition shall apply unless the context clearly indicates or requires a different meaning.

"Golf cart" - Four-wheeled vehicle that is built to specific federal standards by licensed manufacturers and can achieve speeds of no greater than 20 miles per hour. Golf carts do not include all-terrain vehicles, farm vehicles, low speed vehicles, or any vehicle, including modified golf carts, which can obtain a top speed greater than 20 miles per hour.

Sec. 78-52 RULES GOVERNING THE OPERATION OF GOLF CARTS.

- (A) During daylight hours only, a permitted golf cart may be operated within four miles of the address on the SCDMV registration certificate, and only on a secondary highway or street for which the posted speed limit is 35 miles per hour or less. (See S.C. Code § 56-2-105(C).)
- (B) Golf carts may cross Palmetto Boulevard, but shall not drive on Palmetto Boulevard. (See S.C. Code § 56-2-105(C).)

- (C) A person operating a golf cart must be at least 16 years of age and hold a valid driver's license. The operator of a permitted golf cart being operated on a highway or street must have in his or her possession:
- a. The SCDMV registration certificate issued by the State of South Carolina;
 - b. Proof of liability insurance for the golf cart; and
 - c. His or her driver's license. (See S.C. Code § 56-2-105(C).)
- (D) Golf carts shall not be operated at any time when windshield wipers are in use as a result of rain, sleet or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of 500 feet ahead. (S.C. Code §§ 56-5-4450).
- (E) Golf carts shall only operate during daylight hours. (S.C. Code § 56-5-4470.)
- (F) A golf cart shall be equipped with a rear vision mirror.
- (G) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart, and no part of the body of the operator or any occupant shall extend outside the perimeter of the golf cart while it is in motion.
- (H) The driver of a golf cart shall use hand signals when turning or stopping unless the golf cart is equipped with turn signals.
- (I) Golf carts are subject to all traffic rules and regulations and parking laws governing the operation of motor vehicles.
- (J) Golf carts shall not be operated on private property without the permission and consent of the property owner.
- (K) The provisions of this article that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.

Sec. 78-53 SCDMV DECAL AND INSURANCE REQUIREMENTS.

Golf carts, whether owned or rented, shall have:

- (A) A current decal from the South Carolina Department of Motor Vehicles that is displayed in a clearly visible place on the golf cart;
- (B) Current liability insurance in an amount not less than required by state law for motor vehicles operated on public highways. (SC Code 56-2-105)

Sec. 78-54 TOWN GOLF CART DECALS.

- (A) Application for a town decal shall be made to Town Hall before a golf cart may be parked on a street, right-of-way, or other public property in the town. The decals shall be valid for three years and shall expire on December 31 of the year punched on the decal. There is no fee for the decal.
- (B) The following must be presented to the town to obtain or renew a decal:
 - (1) Proof of registration with the South Carolina Department of Motor Vehicles;
 - (2) A certification that the golf cart has a rear view mirror and is otherwise in safe operating condition; and
 - (3) A certification:
 - (a) that the owner has read this article or a town-prepared document that explains the laws related to golf carts; and
 - (b) that the owner will not allow anyone to operate the golf cart until that person has also reviewed the rules.
- (C) A lost or stolen decal may be replaced upon payment of a fee of \$10 and the execution of a sworn statement that the decal was lost or stolen. No decal shall be replaced more than once in any calendar year.
- (D) It shall be unlawful for a golf cart to be parked on a street, right-of-way, or other public property without a valid town golf cart decal. (Penalty in accordance with Town Ordinance 78-36) The Police Department or anyone who has been approved by the Police Department shall be authorized to issue a parking citation and to impound or immobilize the vehicle. (See S.C. Code § 56-5-710(A)(1).)

(E) The Town decal requirement is for identification purposes. The issuance of a Town decal does not and shall not act as authorization from the Town to the operator to operate the golf cart within the Town limits. The operator and owner must comply with all applicable state and municipal laws related to operation of a golf cart.

Sec. 78-55 RENTAL OF GOLF CARTS.

(A) A business that rents golf carts shall have all licenses required by law.

(B) All sections in this article shall apply to rented golf carts.

(C) Each rented golf cart shall have the rental company's name affixed to the cart in such a manner as to be clearly visible.

(D) A company that rents golf carts shall rent only to an individual who:

(1) Is at least 18 years old;

(2) Has a valid driver's license; and

(3) Signs a certification that all persons who will operate the golf cart have read or will read this article or a town-prepared document that explains the laws related to golf carts.

(E) Golf cart rental companies shall keep copies of all rental contracts, certifications, and the renters' drivers' licenses for at least three years.

(F) All golf cart rental companies shall have a local contact who can physically respond to the site within 30 minutes in case of emergency or other need by the town.

(G) All rented golf carts must display a label in plain sight of the operator with the following content:

(1) Operate during day light hours only;

(2) Do not drive on Palmetto Boulevard, can cross Palmetto Boulevard;

(3) Must be 16 years of age, with a valid driver's license;

(4) Must use hand signals when turning and stopping;

(5) Subject to all traffic and parking laws; and

(6) Occupants not to exceed number of seats.

Sec. 78-56 VIOLATION; MISDEMEANOR.

Violation of any of the provisions of Article III of Chapter 78 for which another penalty is not provided shall constitute a misdemeanor and be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

This ordinance shall take effect upon adoption.

Jane Darby, Mayor

First Reading: _____

Second Reading: _____

Approved as to form: _____

Deborah Hargis, Municipal Clerk

TOWN OF EDISTO BEACH

**AN ORDINANCE TO ENACT ARTICLE IX OF THE TOWN'S ZONING ORDINANCE
RELATED TO FENCES ON PRIVATE LOTS**

WHEREAS, the Town Council desires to enact fence regulations in the zoning ordinance to maintain visual harmony within zoning districts throughout the Town, to provide for flow of storm water, and to protect adjacent properties from the indiscriminate placement and unsightliness of fences; and

WHEREAS, prior to adoption of this ordinance it was presented to the planning commission and a public hearing was duly held.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, that Article IX of Chapter 86 of the Town's Zoning Ordinance is enacted to read as follows:

ARTICLE IX. FENCES

Sec. 86-300. Purpose.

This article establishes standards for fences on private lots.

Sec. 86-301. Applicability.

The provisions of this article shall apply to all new construction, redevelopment, or replacement of fences or walls not required for support of a primary or accessory structure, or any other linear barrier intended to delineate different portions of a lot. For purposes of this article "Fence" shall be defined as a structure and/or materials, other than plant material, erected to provide a barrier or enclosure within or around a lot or any portion thereof and its component parts, including, but not limited to, gates, posts, columns, and associated components of entry gates.

Sec. 86-302. General Requirements for Fences.

(A) *Location.* Fences are permitted on the property line between two or more parcels of land held in private/public ownership. No fence shall extend seaward beyond a dune.

(B) *Temporary fences.* Temporary fences for construction sites or a similar purpose shall comply with the requirements of the Town Codes.

(C) *No fences in easements.* Fences shall be prohibited within utility easements and right of way easements and the town shall not be responsible for damage to, or the repair or replacement of fences that must be removed to access such easements. In no instance shall

this provision be construed to prevent fencing around storm water retention or detention facilities.

(D) *Blocking natural drainage flow.* No fence shall be installed to block or divert a natural drainage flow of water onto or off any other land. Fences shall not be constructed which impede the free flow of water.

(E) *Fences on retaining walls or berms.* If a fence is constructed on top of a wall or berm, the combined height of the fence and wall or berm shall not exceed the maximum height that would apply to a fence or wall alone.

(F) *Fences within buffers.* Fences shall be installed so as not to disturb or damage existing vegetation or installed plant material.

(G) *Building Permit.* A building permit is required to construct a fence more than seven (7) feet and replace or repair a fence that is more than seven (7) feet that has been damaged more than 50% of its value. All proposed fences are subject to review by the Building Official and may require a drawing plan for approval.

Sec. 86-303. Height Requirements for Fences.

All fences and walls shall conform to the following standards. In all cases, heights are measured from existing grade.

(A) *Residential districts.* In the residential districts, fences shall not exceed a height of seven (7) feet along common side property lines. Fences along front setback lines, streets, beaches, and regulated wetland areas shall not exceed a height of four (4) feet. If a fence is constructed on top of a wall the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(B) *Nonresidential districts.* In the nonresidential districts, fences and walls shall not be permitted in front setback areas. Fences and walls shall not exceed seven (7) feet in height in all other areas. If a fence is constructed on top of a retaining or other wall, the combined height of the fence and wall shall not exceed the maximum height that would apply to a fence or wall alone.

(C) *Exemption for required screening.* Fencing provided to meet the standards of screening is exempted from the height standards of this subsection, subject to approval by the Building Official.

(D) *Exemption for recreational fencing.* Customary fencing provided as a part of a permitted tennis court, athletic field, or other recreational facility shall be exempt from the height restrictions of this subsection, subject to approval by the Building Official.

(E) *Exemption for security.* Major utilities, government facilities, and other public safety uses shall be exempted from these standards as needed for public safety, subject to approval by the Building Official.

Sec. 86-304. Perimeter Fences Abutting Public Rights-of-Way.

Perimeter fences abutting a public right-of-way shall:

(A) Be located outside the right-of-way associated with a public street

Sec. 86-305. Visibility Clearance.

Fences, walls, and plantings shall be placed in accordance with the sight line visibility standards in the Zoning Ordinance and applicable state and federal law.

Sec. 86-306. Prohibited Fences.

(B) *Barbed wire and above ground electrified fences prohibited.* Except as needed for major utilities, government facilities, and other public safety uses, barbed wire fences and above ground electrified fences are prohibited in all zoning districts. Above and underground electric fences designed for control of animals are permitted.

Sec. 86-307. Exception for nonconforming fences.

Any fence lawfully erected as of the adoption of this ordinance from which this article is derived shall be considered a legal, nonconforming structure. Upon any nonconforming fence being physically damaged or destroyed by 48% or more of its value, replacement or repair shall fully comply with all the terms and requirements of this article.

This ordinance shall take effect upon adoption.

Jane Darby, Mayor

First reading: _____
Public Hearing: _____
Adopted: _____

ATTEST:

Deborah Hargis, Municipal Clerk

Approved as to form: _____