



CITY OF BEAUFORT
1911 BOUNDARY STREET
BEAUFORT MUNICIPAL COMPLEX
BEAUFORT, SOUTH CAROLINA 29902
(843) 525-7070
CITY COUNCIL REGULAR MEETING AGENDA
April 23, 2019

NOTE: IF YOU HAVE SPECIAL NEEDS DUE TO A PHYSICAL CHALLENGE, PLEASE CALL IVETTE BURGESS 525-7070 FOR ADDITIONAL INFORMATION

STATEMENT OF MEDIA NOTIFICATION

"In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting."

REGULAR MEETING - Council Chambers, 2nd Floor - 7:00 PM

I. CALL TO ORDER

- A. Mike McFee, Mayor Pro Tem

II. INVOCATION AND PLEDGE OF ALLEGIANCE

- A. Nan Sutton, Councilwoman

III. PROCLAMATIONS/COMMENDATIONS/RECOGNITIONS

- A. Character Education Proclamation - Emely Rodriguez, Joseph Shanklin Elementary
- B. Proclamation proclaiming May 5-11, 2019 as National Travel and Tourism Week
- C. Proclamation proclaiming April as Child Abuse Prevention Month

IV. PUBLIC COMMENT

V. MINUTES

VI. OLD BUSINESS

- A. Ordinance Amending Section 5.8.4.A Design Standards for Exterior Lighting of the Beaufort Code to Allow Light Poles in Autocentric Areas to be a Maximum of 30 Feet Above Grade - 2nd Reading
- B. Adoption by reference proposed changes to Beaufort County Animal Control Ordinance, Chapter 14 Animals - 2nd Reading

VII. NEW BUSINESS

- A. Annual request from Gullah Festival for use of Waterfront Park and waiver of Noise Ordinance for Gullah Festival 2019 event May 24-26, 2019
- B. Annual request from Beaufort Waterfestival for use of Waterfront Park, street closures, sale of alcohol, use of seawall, waiver of Noise Ordinance, and Co-Sponsorship for Opening Ceremonies for Waterfestival 2019, July 12-21, 2019
- C. Resolution Adopting Lady's Island Plan

- D. Approval to allow City Manager to enter into Lease Agreement with Safe Harbor Marinas (SHM Beaufort Downtown Marina, LLC)
- E. TIFF II Budget Ordinance - 1st Reading
- F. Ordinance amending Part 5 Chapter 2 Article C Section 5-2028 pertaining to Annexation Incentives - 1st Reading

VIII.REPORTS

- City Manager's Report
- Mayor Report
- Reports by Council Members

IX. ADJOURN



PROCLAMATION

WHEREAS, the character education movement reinforces the social, emotional and ethical development of students; and

WHEREAS, schools, school districts and states are working to instill important core ethical and performance values including caring, honesty, diligence, fairness, fortitude, responsibility, and respect for self and others; and

WHEREAS, character education provides long-term solutions to moral, ethical and academic issues that are of growing concern in our society and our schools; and

WHEREAS, character education teaches students how to be their best selves and how to do their best work; and

WHEREAS, the Eleven Principles of Effective Character Education include: Promoting core ethical and performance values; Teaching students to understand, care about and act upon these core ethical and performance values; Encompassing all aspects of the school culture; Fostering a caring school community; Providing opportunities for moral action; Supporting academic achievement; Developing intrinsic motivation; Including whole-staff involvement; Requiring positive leadership of staff and students; Involving parents and community members; and assess results and strives to improve; and

WHEREAS, the Beaufort County School District's Character Education program was formed to support parents' efforts in developing good character in their children; and

WHEREAS, the purpose of the Character Education program is to integrate good character traits into the total school environment, as well as into the community; and

WHEREAS, each school's counselor identified a list of character words and definitions deemed important regardless of a person's political leanings, race, gender or religious convictions; and

WHEREAS, the words are friendship, kindness, acceptance, courage, tolerance, respect, gratitude, compassion, citizenship, perseverance, honesty, integrity, self-control, forgiveness, responsibility and cooperation; and

WHEREAS, Emely Rodriguez was selected as the winner by Joseph Shanklin Elementary as the student of the month.

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaims March 2019 as

EMELY RODRIGUEZ AS JOSEPH SHANKLIN ELEMENTARY STUDENT OF THE MONTH

The City of Beaufort thereby pronounces *Self-Control* as the word for the month of March and applauds Emely Rodriguez, the Beaufort County School District, and Joseph Shanklin Elementary for their work and specifically honors Emely Rodriguez as Joseph Shanklin Elementary Student of the Month.

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 23rd April 2019

MIKE MCFEE, MAYOR PRO TEM

ATTEST:

IVETTE BURGESS, CITY CLERK



PROCLAMATION



WHEREAS, travel has a positive effect on Beaufort, South Carolina and the nation's economic prosperity and image abroad, it also impacts business productivity and the individual traveler's well-being; and

WHEREAS, travel to and within the United States provides significant economic benefits for the nation, generating more than \$2.4 trillion in economic output in 2017, with nearly \$1 trillion spent directly by travelers; and

WHEREAS, travel is among the largest private-sector employer in the United States, supporting 15.6 million jobs in 2017, including 8.8 million directly in the travel industry and 6.8 million in other industries; and

WHEREAS, travelers' spending directly generated tax revenues of \$164.8 billion for federal, state and local governments, funds used to support essential services and programs; and

WHEREAS, Beaufort, South Carolina visitor spending exceeds \$58 million creating tax revenues, employment and payroll for over 2,500 employees, while saving each household over \$700 in taxes per year; and

WHEREAS, international travel to the U.S. is the nation's number one service export, and number two overall, and meetings, events, and incentive travel are core business functions that help companies strengthen business performance, educate employees and customers and reward business accomplishments — which in turn boosts the U. S. Economy. In 2017, domestic and international business travelers spent \$317.2 billion; and

WHEREAS, leisure and group travel, which accounts for more than three-quarters of all trips taken in the U.S., spurs countless benefits to travelers' health and wellness, creativity, cultural awareness, education, happiness, productivity and relationships; and

WHEREAS, travel is a pillar of economic growth, creating jobs at a faster rate than any other sectors; and

WHEREAS, welcoming visitors from near and far always has been and always will be, the enduring ethos of the travel industry of Beaufort, South Carolina; and

WHEREAS, travel matters to Beaufort, South Carolina.

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina do hereby proclaim May 5-11, 2019 as

NATIONAL TRAVEL AND TOURISM WEEK

In Beaufort, South Carolina, and urge citizens of Beaufort, South Carolina to join with us in this special observance with appropriate events and commemorations.

IN WITNESS THEROF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 23rd day of April 2019

MIKE MCFEE, MAYOR PRO TEM

ATTEST:

IVETTE BURGESS, CITY CLERK





PROCLAMATION

WHEREAS, South Carolina's future prosperity is dependent on nurturing the healthy development of the 1.1 million children currently residing in the diverse communities across our state; and

WHEREAS, preventing child abuse, neglect, and sexual abuse must be a community priority that requires individuals, families, child-serving organizations, schools, faith-based groups, businesses, government agencies, colleges, and civic leaders to support the physical, emotional, social and educational development and competency of all children; and

WHEREAS, child abuse is a public health issue with serious societal consequences, as data shows the link between the abuse, neglect, and abuse of children and a wide range of costly medical, emotional, psychological and behavioral problems into adulthood; and

WHEREAS, parents and caregivers who have a circle of family and friends, know how to find help in times of need, and understand how their children grow are better equipped to take on life's challenges and provide a safe, caring environment for their children; and

WHEREAS, child abuse and violence prevention programs not only give individuals, families, and children the knowledge and resources to learn, grow, and thrive but also serve as a proven and effective way to reduce child abuse and neglect; and

WHEREAS, in fiscal year 2018, there were 17,662 children in founded investigations of child maltreatment in South Carolina; and

WHEREAS, pinwheels symbolize a happy and healthy childhood that all children deserve; and

WHEREAS, the city of City of Beaufort, in conjunction with Hopeful Horizons, Child Abuse Prevention Association (CAPA) and concerned citizens around the state, designates the month of April as Child Abuse Prevention Month and Beaufort as a "Pinwheel City" while urging all citizens to dedicate themselves to protect quality of life for every child and every adult;

NOW, THEREFORE, the City Council of the City of Beaufort, South Carolina, hereby proclaims April 2019 as fort as "Pinwheel City".

CHILD ABUSE PREVENTION MONTH and Beaufort as a "Pinwheel City"

IN WITNESS THEREOF, I hereunto set my hand and caused the Seal of the City of Beaufort to be affixed this 23rd day of April 2019.

MIKE MCFEE, MAYOR PRO TEM

ATTEST:

IVETTE BURGESS, CITY CLERK



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/11/2019
FROM: David Prichard, Community and Economic Development
AGENDA ITEM TITLE: Ordinance Amending Section 5.8.4.A Design Standards for Exterior Lighting of the Beaufort Code to Allow Light Poles in Autocentric Areas to be a Maximum of 30 Feet Above Grade - 2nd Reading
MEETING DATE: 4/23/2019
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

Amendment change discussed in Worksession March 19. Public Hearing held March 26, 2019. 1st Reading held on April 9, 2019.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	4/17/2019

ORDINANCE

AMENDING SECTION 5.8.4.A DESIGN STANDARDS FOR EXTERIOR LIGHTING OF THE BEAUFORT CODE TO ALLOW LIGHT POLES IN AUTOCENTRIC AREAS TO BE A MAXIMUM OF 30 FEET ABOVE GRADE

WHEREAS, the State of South Carolina has conferred to the City of Beaufort the power to enact ordinances “in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health, peace, order, and good government in it . . .” as set forth in *Code of Laws of South Carolina*, Section 5-7-20; and

WHEREAS, the City of Beaufort adopted the *Beaufort Code* by reference on June 27, 2017, as set forth in section 5-6001 of the *Code of Ordinances Beaufort, South Carolina*; and

WHEREAS, the amendment of the *Beaufort Code* is “for the general purpose of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare” in accordance with *Code of Laws of South Carolina*, Section 6-29-710; and

WHEREAS, the amendment of the zoning ordinance still limits the maximum height of light poles in pedestrian areas, and in travel ways containing on-street parking at 15 feet above grade; and

WHEREAS, the amendment of the zoning ordinance does not alter any other exterior lighting design standard, viz., shielding requirements and maximum illuminance; and

WHEREAS, the amendment is consistent with the goals for development as outlined in the City’s comprehensive plan and *Civic Master Plan*; and

WHEREAS, a public hearing before the Beaufort City Council was held regarding changes to the administrative adjustment ordinance on <month-day-year>, with notice of the hearing published in *The Beaufort Gazette* on <month-day-year>;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaufort, South Carolina, duly assembled and by authority of same, pursuant to the power vested in the Council by Section 6-29-760, *Code of Laws of South Carolina, 1976*, that *The Beaufort Code* be amended by revising Section 5.8.4.A, “Design Standards for Exterior Lighting,” by deleting the current paragraph A and replacing it with a new paragraph A to read as follows:

A. Maximum Lighting Height: For purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the top of the light post, not including the fixture.

1. In pedestrian oriented areas, the height of the light post shall not exceed 15 feet above grade.
2. In auto-centric areas, such as parking lots which support shopping centers, large retailers,

or manufacturing sites, etc., the height of the light post shall not exceed 30 feet above grade.

3. Wherever possible, outdoor seating areas, building entrances, and walkways shall be illuminated using ground mounted fixtures not more than 4 feet tall.

4. In historic districts, light poles exceeding 15 feet above grade must be approved by the Historic Review Board.

(SEAL)

Attest:

BILLY KEYSERLING, MAYOR

IVETTE BURGESS, CITY CLERK

1st Reading

2nd Reading & Adoption

Reviewed by:

WILLIAM B. HARVEY, III, CITY ATTORNEY



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/19/2019
FROM: Beaufort County
AGENDA ITEM Adoption by reference proposed changes to Beaufort County Animal Control
TITLE: Ordinance, Chapter 14 Animals - 2nd Reading
MEETING
DATE: 4/23/2019
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Summary of changes since 1st reading Jan 2019	Backup Material	4/19/2019
Ordinance	Ordinance	4/19/2019

Amendment from the floor of County Council adopted at 2nd Reading April 8, 2019 shown below in green highlight.

Sec. 14-33. - Running at large.

[Unlawful.] It shall be unlawful for any owner or custodian of any dog to permit, or allow in any way whether intentionally or unintentionally, the same to run at large except on property owned or rented by the owner or custodian. All dogs, must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

Amendments to address comments from Governmental Cmte. January 28, 2019 shown below in green highlight.

Definitions- add definition of "Provocation"

- **Provocation**- an intentional action or statement made to incite anger, aggression, annoyance or a violent response.
- **Sec. 14-32. – Dangerous animals.**
 - (a) For the purposes of this section, a dangerous or vicious animal *shall* be defined to be any one of the following:
 - (1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
 - (2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;
 - (3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
 - (4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;
 - (5) An animal which is used as a weapon in the commission of a crime;
 - ~~(6) An animal which causes serious injury to a human being, other than the owner, regardless of provocation or location.~~

(b) Notwithstanding paragraph (a) above, a Magistrate Judge may deem an animal a Dangerous Animal, after considering the totality of the circumstances, regardless of location of an attack or provocation, when an attack results in serious injury to a human.

- ~~(b)~~ Declaration of a dangerous animal, confinement requirements, and final determination of danger animal declaration-...

(2) When, in the discretion of an animal services officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a Magistrate Judge. When an animal services officer or law enforcement officer takes temporary possession of an animal pursuant to this section, the requirements of paragraphs a through e below shall be held in abeyance during the pendency of a hearing.

Chapter 14 - ANIMALS^[1]

Footnotes:

--- (1) ---

Cross reference— Environment, ch. 38; health and sanitation, ch. 46; agricultural use regulations, § 106-1156 et seq.

ARTICLE I. - IN GENERAL

Secs. 14-1—14-25. - Reserved.

ARTICLE II. - ANIMAL CONTROL^[2]

Footnotes:

--- (2) ---

Editor's note— [Ord. No. 2015/27](#), adopted Oct. 12, 2015, amended art. II in its entirety to read as herein set out. Former art. II pertained to the same subject matter, consisted of §§ 14-26—14-37, and derived from [Ord. No. 2010/7, adopted Apr. 26, 2010](#); [Ord. No. 2010/27, adopted Nov. 8, 2012](#); [Ord. No. 2015/18, adopted Jun. 23, 2015](#); [Ord. No. 2015/23, adopted Aug. 10, 2015](#); and [Ord. No. 2015/26, adopted Sept. 28, 2015](#).

Sec. 14-26. - Authority for and enactment of chapter.

Sec. 14-26. - Authority for and enactment of chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended.

([Ord. No. 2015-27, 10-12-2015](#))

Sec. 14-27. - Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandonment shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal shall mean a live vertebrate creature except a human being.

Animal services director means any person so appointed by the county administrator.

Style Definition

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Animal services facility shall mean any facility so designated by the county council. ▲

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Animal services officer shall mean any person employed by the county as an enforcement officer of the provisions of this chapter. ▲

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BCAS shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter. ▲

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Breeder shall mean any person owning unaltered pets with the intent of selling pets' offspring. ▲

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Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service. ▲

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Dub shall mean to trim or remove. ▲

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Feral shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Infraction shall mean a breach, violation, or infringement of this chapter for which the only sentence authorized is a fine and which violation is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.

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Kennel shall mean a small shelter for a dog, cat or other animal. ▲

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Livestock shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display. ▲

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Muzzle shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding. ▲

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Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service. ▲

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Nuisance shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property. ▲

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Owner shall mean any person who: ▲

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1. —Has a property right in an animal; ▲

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2. —Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or ▲

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3. —Permits an animal to remain on or about any premises occupied by him or her for three or more days. ▲

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Pet shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*). ▲

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~~Pitbull~~ **Pit Bull** shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, ~~Stafford~~ Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

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Provocation shall mean an intentional action or statement made to incite anger, aggression, annoyance or a violent response.

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Serious injury shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.

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Shelter shall mean a structure ~~that made of durable material with 4 walls, a roof and floor, that allows retention of body heat and is of suitable size to accommodate the animal and will~~ reasonably ~~may~~ be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

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Tethering shall mean a chain, rope, leash, cable, or other device that attaches the pet ~~via a collar or harness~~ to a single stationary point.

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Strict voice control shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

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Unaltered shall mean a pet which has not been spayed or neutered.

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Under restraint shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure ~~or attended by its owner and responds to strict voice control~~; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

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(Ord. No. 2015/27, 10-12-2015)

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Cross reference— Definitions generally, § 1-2.

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Sec. 14-28. - County pet license; rabies vaccination tags.

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It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over ~~four (4) four months~~ of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of

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rabies inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license. ▲

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(Ord. No. 2015/27, 10-12-2015)

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Sec. 14-29. - Lifetime/annual pet license issuance, fees and exemptions. ▲

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(a) —Eligibility. The owner of a pet four months of age or older that is after being spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.

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(b) —Permanent identification requirement. A person applying for an annual license or lifetime license shall choose either a tattoo, a BCAS approved tag, or ~~the~~ implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form, and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see Section 14-30. ▲

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(c) —Pets previously microchipped. If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall: ▲

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(1) —Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS. ▲

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(2) —Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip. ▲

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(3) —The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form. ▲

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(d) —County license and fees. ▲

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The county license-Director of BCAS shall establish a fee schedule of fees are as follows:-subject to the approval of County Council. ▲

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(1) —Pets previously sterilized and with permanent identification shallAll pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license. ▲

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Lifetime pet license. To be a-eligible for a lifetime pet license a pet shall:

(1) Be spayed or neutered

(2) Microchipped

(3) Pay the appropriate one-time fee of \$5.00, per the published fee schedule.

(2) — Pets previously sterilized and provided with permanent identification by BCAS shall be charged a one-time microchip fee and \$5.00 license fee.

(3) — Fertile Annual Pet license. All other pets with a permanent identification shall be \$20.00 annually. Fertile pet licenses will expire on June 30 of each year and are non-transferable.

(4) — Fertile pets with no permanent identification shall be \$50.00 annually and will be issued a metal tag to be worn at all times fertile pet licenses will expire on June 30 of each year and are non-transferable.

(e) — Exemptions. Exempt owners shall be required to pay a one-time microchip subject to an annual pet license and annual fee and will not be required to have the pet spayed/neutered. The, except that the following are exempt owners: exemptions may be eligible for a lifetime license:

(1) — Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.

(2) — Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events within the past 12 months.

(3) — (2) Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources. Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

(4) — Any owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain a lifetime license but shall not be required to pay any license fee.

(Ord. No. 2015/27, 10-12-2015)

(Ord. No. 2015/27, 02-01-2018)

Sec. 14-30. - Declaration of restricted dog, appeal of breed determination.

(a) — For the purposes of this section, a restricted dog shall be defined as a ~~pitbull~~ **Pit bull**.

(b) — No person may own, keep, or harbor a restricted dog in violation of this section.

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(c) —An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:

(1) —The restricted dog is less than four months of age;

(2) —A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance.

(3) —The determination of the dog's breed is under appeal pursuant to ~~section 14-30~~ section 14-30(d)(2);

(4) —The owner or custodian has owned or had custody of the dog less than 30 days.

~~(d)~~ —(d) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS approved microchip.

(e) Determination of breed and appeal of determination.

(1) —Determination. The director of BCAS or his or her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in ~~section 14-27 for pit bulls~~ section 14-27 for pit bulls shall not be construed to indicate the dog is not a pit bull dog under this section.

(2) —Notice. Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, an administrative penalty and notice of appeal process.

(3) —~~[Compliance.]~~ The owner or custodian of an unaltered restricted dog shall comply with this article within 3010 days after receipt of notice of breed restricted dog determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.

~~(e)~~ —(f) Appeal. Notice of a declaration of breed determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten days of service of the notice.

(Ord. No. 2015/27, 10-12-2015)

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Sec. 14-31. - Pet breeder license, inspection and fees.

It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

(a) —Individuals engaged or intending to engage in breeding must obtain a non-transferable, pet breeder license from BCAS.

(b) —Applicants must have a valid county annual pet license and microchip for all pets that have reached the age of four months before applying for the pet breeder license.

(c) —BCAS shall conduct an inspection of the identified property for the pet breeders license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.

(d) —To qualify for a pet breeder license the applicant must demonstrate the following:

(1) —The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.

(2) —All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.

(3) —Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.

(4) —The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.

(e) —A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five years of the date of application.

(f) —The pet breeder license fee shall be \$100.00 annually, published in the fee schedule approved by County Council. The license shall expire on June 30 of each year, 365 days after the date it is issued.

(g) —Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-32. — Dangerous animals.

(a) —For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

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(1) —An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;

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(2) —An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;

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(3) —An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

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(4) —An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;

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(5) —An animal which is used as a weapon in the commission of a crime;

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~~(6) —An animal which causes serious injury to a human being, other than the owner, regardless of provocation or location.~~

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(b) Notwithstanding paragraph (a) above, a Magistrate Judge may (or may not) deem an animal a Dangerous Animal, after considering the totality of the circumstances, regardless of location of an attack or provocation, when an attack results in serious injury to a human.

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(b) Declaration of a dangerous animal, confinement requirements, and final determination of danger animal declaration.

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(1) —Declaration. An animal services officer or law enforcement officer, in his or her discretion, may **declaremake an initial determination that** an animal **is** dangerous. Upon **the initial** determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

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(2) —(2) When, in the discretion of an animal services officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a Magistrate Judge. When an animal services officer or law enforcement officer take temporary possession of an animal pursuant to the section, the requirements of paragraph "a" through "e" below shall be held in abeyance during the pendency of a hearing.

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(3) Confinement requirements and registration. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:

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a. —All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.

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b. —The pen or kennel must be clearly marked as containing a dangerous animal.

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c. —No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.

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d. —The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.00.

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e. —The owner must obtain a dangerous animal registration/license from BCAS and pay a **\$5.00 registration fee fee on the BCAS fee schedule subject to County Council approval.**

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(3) —Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final

determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable.

(e) Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

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Sec. 14-33. - Running at large.

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(a) [Unlawful.] It shall be unlawful for any owner or custodian of any pet dog to permit, or allow in any way whether intentionally or unintentionally, the same to run at large except on property owned or rented by the owner or custodian. All pets dogs, must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

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(b) Exemption. Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1 through September 30. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1 through March 31.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

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From April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30 of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

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(c) Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large."

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Sec. 14-34. - Nuisance pets or livestock.

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(a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property.

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(b) —It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful: ▲

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(1) —Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 14-33. ▲

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(2) —Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables. ▲

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(3) —Failure to maintain a dangerous animal in a manner other than that which is described in section 14-32. ▲

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(4) —Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety. ▲

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(5) —Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property. ▲

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(6) —Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises. ▲

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(7) —Maintaining a pet or livestock that is diseased and dangerous to the public health. ▲

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(8) —Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles. ▲

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(9) —Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock. ▲

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(c) —A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated. ▲

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(d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being a violation of this Section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 14 of this Code. ▲

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(1) No person shall be charged with violating this Section unless a written warning was given to the owner or person in custody of the animal by an Animal Services Officer or police officer within 12 months preceding the first date alleged as a date of violation in the complaint. A warning is given under this subsection if it is personally given to the owner or person in custody of the animal, or it is posted upon the property of the owner or person in custody or mailed first-class to such person. Such records are prima facie evidence that such warnings were given.

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(2) No administrative penalty or summons shall be issued and no person shall be convicted at trial for violating this Section unless two or more witnesses from different households testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness.

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Sec. 14-35. - Animal cruelty.

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(a) —Animal care generally. It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment.

(b) —Mistreatment. It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

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(c) —Physical alteration. It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.

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(d) —Abandonment. It shall be unlawful for any owner to abandon an animal.

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(e) —Unlawful tethering. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree for longer than 24 consecutive hours in any manner or by any method that allows the dog to become entangled or injured. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighths of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog's harness or collar and not directly to the dog's neck. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.

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(f) No animal shall be tethered during any named Tropical Storm or named Hurricane expected to impact Beaufort County or whenever flooding could occur. For the purpose of this section, a Tropical

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Storm or named Hurricane is expected to impact Beaufort County when a Tropical Storm Watch, Warning or evacuation or a Hurricane Watch, Warning or evacuation is in effect for Beaufort County.

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(1) —A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

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a. —Inside a pen or secure enclosure; or

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b. —A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

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c. —The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times.

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(2) —Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

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Sec. 14-36. - Sale of animals, pets or livestock.

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(a) —No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) —No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.

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(c) —No person shall sell, offer for sale, or give away any animal or pet under five four (4) weeks of age, except as surrender to the county animal services facility or to a licensed pet rescue organization.

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(d) —Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section 14-36.

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(e) —Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

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Sec. 14-37. - Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.

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(a) —Seizure and right of entry. If the owner does not give permission to the animal services officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or

livestock, the animal services officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.

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(b) —Citation. The animal services officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the animal services officers shall post a copy of the notice at the property where the animal was seized.

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(c) —Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in section 14-39, below.

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(d) —Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

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Sec. 14-38. - Impoundment.

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(a) —Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.

(b) —When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.

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(c) —The owner of a pet or livestock that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has 1410 days from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within 1410 days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock impounded at BCAS, the director of animal services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the pet or livestock humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).

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(d) —Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the director of animal services, or his/her designee or a licensed veterinarian to constitute a danger to other

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pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately. ▲

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(e) —Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned. ▲

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(f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to the Beaufort County Animal Shelter and or affiliated organizations as soon as possible for the mandatory holding period. ▲

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Sec. 14-39. - Redemption. ▲

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(a) —The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows: ▲

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(1) —For a pet or livestock that has not been properly inoculated, licensed, ~~microchipped~~ microchipped, and ~~spayed or neutered or spayed, at,~~ the BCAS director of animal services or his/her designee, may issue a warning or Administrative Citation for the first offense at their discretion aftered a thorough investigation of the circumstances. First offense ~~Redemption fees shall be published on the BCAS fee is \$50.00, second offense is \$150.00, third offense~~ schedule and any subsequent offense is \$250.00—be subject to County Council approval. ▲

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(2) —In addition to the administrative penalty, F ~~for~~ a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered, ~~the fee shall be \$50.00 plus the an~~ appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock ~~as appropriate~~ may be charged to the owner. ▲

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(3) —~~Fertile pets or livestock (as appropriate) shall not be redeemed or adopted unless one of the criteria under the exemptions provisions in subsections 14-29(e)(1) —(4) has been met.~~

(3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections ~~14-29(14-29~~ (e)(1)—(4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of sections-14-32, 14-33, 14-34, or 14-35. ▲

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(b) —In addition to the redemption fee, a boarding fee after 24 hours ~~of \$25.00~~ per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed. ▲

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(c) —The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period. ▲

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Sec. 14-40. - Adoption.

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(a) —Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

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(b) —Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

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(c) —Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

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(d) —The county animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

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([Ord. No. 2015/27, 10-12-2015](#))

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Sec. 14-41. - Trapping.

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(a) —It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the animal services department. Any pets, livestock or domestic animals trapped with prior approval from the animal services department will be reported or delivered to the animal services department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the animal services department. If a trapped animal is in need of immediate attention, the animal services department or 911 will be notified immediately of the animal in distress.

(b) —Exemption. Trapping is permitted for hogs.

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Sec. 14-42. - Management of feral cat colonies.

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(a) —Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

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Caregiver manager means any person in charge of a caregiver program.

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Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

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Feral cat means a cat which currently exists in a wild or untamed state.

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Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

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Nuisance means disturbing the peace by:

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(1) —Habitually or continually howling, crying or screaming, or

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(2) —The habitual and significant destruction of property against the wishes of the owner of the property.

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Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

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TNR means trap, neuter/spay and release.

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TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

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(b) —Feral cat colony management. Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by animal services department.

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Sec. 14-43. - Livestock.

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(a) —All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.

(b) —Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees. ▲

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(c) —Impounded livestock shall be held for a period of ~~21~~ 10 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the Beaufort County Animal Services Department. ▲

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(d) —Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other section within this chapter reference livestock this section shall be controlling. ▲

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Sec. 14-44. - Importation of exotic animals prohibited. ▲

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(a) —Definition. An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as Ferae naturae. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects. ▲

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(b) —Unlawful act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal. ▲

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(c) —Exceptions. This division shall not apply to following entities: ▲

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(1) —An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.). ▲

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(2) —An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America. ▲

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(3) —An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period. ▲

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(4) —A team mascot for a university or educational facility. ▲

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Sec. 14-45. - Rabies Control Act (S.C. State Law 47-5-10).

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This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any state, county or municipal law enforcement agencies.

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(A) Vaccinations: It shall be unlawful for any owner of a dog or cat four (4) months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by veterinarian for medical reasons. All dogs and cats shall be vaccinated at four (4) months of age (unless recommended otherwise by veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the County from a location outside the County shall comply with this Section within 30 days after having moved into the County by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.

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(B) Proof of Vaccination: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog.

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(C) Harboring Unvaccinated Dogs and Cats: It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

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(D) Non-transferability: Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

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(E) Exceptions: No person charged with violating 14-45 Rabies Control shall be convicted if he produces in Court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

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Sec. 14-46. - Interference with animal services officers.

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It shall be unlawful for any person to interfere with, hinder, or molest an animal services officers in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

([Ord. No. 2015/27, 10-12-2015](#))

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Sec. 14-47. - Enforcement and penalties.

(a) —The animal services officers of the Beaufort County Animal Services Department shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.

(b) —The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.

(c) —Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding ~~\$\$\$00.00~~the maximum allowed within the jurisdiction of the magistrate courts or imprisonment not exceeding 30 days, or both. However, infractions as provided in paragraph (f) below, are intended to be non-criminal, civil penalties and not subject to jail time.

(d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in non-compliance of a Final Dangerous Dog Determination of the Court, a Magistrate may order possession and custody of the animal to be surrendered permanently to the Beaufort County Animal Shelter.

~~(Ord. No. 2015/27, 10-12-2015)~~

—(f) Infractions Resulting in Administrative citations and penalties.

In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code Section 47-3-20, an administrative citation may be issued for certain infractions of county animal control ordinances. Infractions of this Chapter subject to administrative citation and penalty are in the discretion of the Animal Services Officer and include but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and warnings for a noisy public nuisance animal. Animal cruelty charges and Dangerous Dog Determinations are not violations subject to administrative citations.

The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection and administrative review of administrative citations and penalties.

A. Notice of infraction. If an animal is owned, kept, maintained, or found to be in violation of a county animal control ordinance, an administrative citation may be issued by the animal services officer.

B. Content of citation. The administrative citation shall be issued on a form approved by the Director of Beaufort County Animal Services and shall contain the following information:

1. Date, location and approximate time of the infraction;
2. The ordinance violated and a brief description of the infraction;

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3. The amount of the administrative penalty imposed for the infraction;

4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;

5. Instructions on how to appeal the citation;

6. The signature of the animal control officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

C. Service of citation.

1. If the person who has violated the county animal control ordinance is present at the scene of the infraction, the animal control officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.

2. If the owner, occupant or other person who has an infraction of a county animal control ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.

3. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The citation shall also be mailed to any additional addresses for the owner in department records.

D. Administrative penalties.

1. The penalties assessed for each infraction of a county animal control ordinance shall not exceed the following amounts:

i. One hundred dollars (\$100.00) for a first infraction;

ii. Two hundred dollars (\$200.00) for a second infraction of the same administrative abatement order within one year;

iii. Five hundred dollars (\$500.00) for each additional infraction of the administrative abatement order within one year.

2. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.

3. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.

4. The penalties assessed shall be payable to the Beaufort County Treasurer.

5. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.

6. Failure to pay an administrative penalty may result in prosecution or petition for the original violation(s) in the Magistrate court of Beaufort County.

E. Administrative appeal of administrative citation.

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1. Notice of appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Department. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation set forth in subsection C. above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:

- i. A brief statement setting forth the appellant's interest in the proceedings;
- ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
- iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
- iv. The notice of appeal must be signed by the appellant;
- v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the Administrative Appeal will be scheduled;
- vi. Indigence must be proved to have the deposit waived.

2. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:

- i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten (10) days before the hearing to the person requesting the hearing.
- ii. The administrative hearing regarding the administrative citation shall be held before the Public Safety Director, or a designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
- iii. Conduct of the hearing. The investigating animal control officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.
- iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the circuit court.

F. Appeal to Circuit Court. Any person who receives an unfavorable decision from the decision of an Administrative Appeal may file an appeal with the Circuit Court in Beaufort County. The appeal to Circuit Court must be filed within thirty (30) days of the notice of the Administrative Officer's decision being mailed to the recipient of an Administrative citation.

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CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/17/2019
FROM: Rhonda Carey, Events Coordinator
AGENDA ITEM TITLE: Annual request from Gullah Festival for use of Waterfront Park and waiver of Noise Ordinance for Gullah Festival 2019 event May 24-26, 2019
MEETING DATE: 4/23/2019
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Request	Backup Material	4/17/2019
WFP Application	Backup Material	4/17/2019
Special Events Form	Backup Material	4/17/2019



Gullah Festival of Beaufort SC.29901

Remembering, Celebrating, Creating, A Living History!

The Original Gullah Festival of SC Inc. is a non-profit, tax exempt organization of Beaufort, SC. Established by native Beaufortonians in 1986, and incorporated in 1987, the three day celebration has the goal to reclaim for future generations the beauty and history of the Gullah Culture, a compelling mix of West African legacy and the American LowCountry experience and to eventually be able to help arts in education.

The Gullah Festival of SC, Inc. is hereby making its annual request for use of the Waterfront Park facilities for 2019 May 24th, 25th and 26th Memorial Day weekend. Your assistance is requested in regards to the following items:

1. The City allows the Gullah Festival access to the park on Thursday, May 23rd to prepare for the 3 day weekend.
2. The City acknowledges that the Gullah Festival will use the Waterfront Park on Friday, May 24th from 10am to 12am and Saturday, May 25th from 10a to 12am and on Sunday, May 26th from 9a to 7pm.
3. The City disables the water sprinklers on the Waterfront Park on:
Friday, May 24th from 10a to 11pm.
Saturday, May 25th from 10a to 12am.
Sunday, May 26th from 9a to 7pm.
4. The City allows access to the restrooms, water and power sources on the Waterfront Park on:
Friday, May 24th from 9a to 11pm.
Saturday, May 25th from 9a to 12am.
Sunday, May 26th from 9a to 7pm.
5. The Festival requests the city grant a waiver of the City Noise Ordinance for the following:
Friday, May 24th from 9a to 1am.
Saturday, May 25th from 9a to 1am.

Sunday, May 26th from 9a to 7pm.

6. Loading and unloading passengers with the charter bus will be coordinated with Alice Wallace.
7. The Festival will submit a completed special event sign application for these dates: May 23th, 24th, 25th and 26th.
8. The City grants permission for the Gullah Festival to erect temporary signs.
9. On-call access to the city's electrician during regular working hours, free of charge.
10. The City's staff electrician will provide support and necessary equipment in order to provide access to electricity for use by the Festival.

The Gullah Festival Committee will...

1. Contract with the City Police Department for police protection at all events.
2. Use their own means for necessary fencing and covering during the Gullah Festival May 24th, 25th and 26th.
3. Use a contracted electrician during the 3 day event.
4. Use a contracted lights and sound man during the 3 day event.
5. Use a contracted service for overnight security.
6. Use a contracted service for pressure washing the sidewalks and parking lot if necessary.
7. Use Golf carts to transport Gullah Festival patrons with physical disabilities.
8. Provide a schedule of events weeks prior to the actual event.
9. Use the Tabernacle Baptist church located on 901 Craven St, Beaufort, SC 29902 to hold the Lest We Forget talking sessions and the Decoration Day play.
10. The Gullah Festival will complete a Contract of Indemnity with Beaufort County for usage of the county's parking lots....
 - a.) Multi-Government Center parking lot – 100 Ribaut Road, Beaufort, SC
 - b.) DSS Building parking lot – 1905 Duke Street, Beaufort, SC
 - c.) BCSO dirt parking lot – 2001 Duke Street, Beaufort, SC
 - d.) Santa Elena Foundation Building parking lot - Corner of Bladen and North Streets, Beaufort, SC
11. Will use the following policies for insurance coverage from Kinghorn Insurance of Beaufort: General Liability, Accidental and Inclement Weather which will also cover the Tabernacle Baptist church.
12. Use the following route for tours.....
 - *** drive by's only
 - Mather School, Robert Smalls House, Beaufort Arsenal, Tabernacle Baptist Church, National Cemetery and Grand Army Hall.

- If time permits, we will get out briefly and walk to the burial site of the 54th Regiment.

Respectfully,

Roy Hicks
President of The Original Gullah Festival of Beaufort, SC



CITY OF BEAUFORT
WATERFRONT PARK APPLICATION

1901 Boundary Street

Phone: 843-525-7084

Fax: 843-986-5606

Name of Event: <u>The Original Gullah Festival</u>	Date(s) of Event: <u>5/24th, 5/25th, 5/26th 2019</u> Setup start/end time: <u>5/23rd 7am</u> Actual event start/end time: <u>5/24th 10a-12m</u> Take down start/end time: <u>5/26th 8a - 1a</u>
Organization/Individual Name: <u>The Original Gullah Festival of South Carolina, Inc.</u>	Address: <u>P.O. Box 83</u> <u>Beaufort, SC 29901</u> Telephone: <u>678-865-9065</u> Email: <u>trhicksii@gmail.com</u>

- Completed application must be received and approved by the Events Coordinator, Linda Roper.
- Full receipt of deposit must be received to ensure securing your requested date for rental of the Waterfront Park.
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Linda Roper, 1901 Boundary Street, Beaufort, SC 29902, or
scan and email to lroper@cityofbeaufort.org.

All private events must follow the Special/Private Events Policy. To discuss specifics of the desired event, you must contact the Events Coordinator at 843-525-7084.

Is event open to the public? Yes

Will admission be charged or donation required? Yes, on Saturday only

Will alcoholic beverages be sold? No Served? No

Will food be sold? Yes Served? Yes

Will there be any retail sales? Yes

Number of people expected to attend: 20,000 for the 3 day event

The Waterfront Park venue is rentable in sections with a 4, 6, or 12-hour limit of any chosen park area or areas. Set up and take down time needs to be factored into your chosen block of time. **NO exceptions will be made.**

Fee payment due no less than 30 days prior to event.

Fill out by circling cost(s) in blocks of time desired for area(s) of interest including electrical needs.

WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS			
Park Area	<u>4 HR Block</u>	<u>6 HR Block</u>	<u>12 HR Block</u>
Farmers Market	\$ 200.00	\$ 400.00	
Contemplative Garden	\$ 200.00	\$ 400.00	
Pavilion	\$ 350.00	\$ 500.00	
Green 1	\$ 300.00	\$ 500.00	
Green 2	\$ 450.00	\$ 750.00	
Electric Fee	\$ 50.00	\$ 75.00	
Entire Park			\$2,200.00
Deposit	\$ 500.00	\$ 800.00	\$1,100.00

See this link <http://www.cityofbeaufort.org/group-events-business-license.aspx> to obtain a group business license application for vendors.

Comments:

waiver
Requesting a Noise ordinance from May 23rd to May 26th
2019

Thomas R. Hicks II

Lessee/Applicant Signature

February 20, 2019

Date

-----Below this line for City use-----

Events Coordinator – Linda Roper

Date Application Received

Deposit Paid: _____ Fees Paid: _____ Deposit to be Refunded: _____

REQUEST FOR CO-SPONSORSHIP

Henry C. Chambers Waterfront Park

Name of Event The Original Gullah Festival of South Carolina

Date of Event: May 24th - 26th, 2019

Contact person: Roy Hicks
Telephone: 678-865-9065

Please check all that apply.

	Yes	No
<i>Are you a "For Profit" entity?</i>		**X
<i>Is this a fund raising event?</i>	X	
<i>Is this event open to the public?</i>	X	
<i>Is there a required fee / donation to attend this event?</i>	X	
<i>Are you requesting more than two (2) park areas for this event?</i>	X	
<i>Will there be any type of "sales" for this event?</i>	X	
<i>Will this event require more than four (4) hours (includes setup & take down)?</i>	X	
<i>Will alcohol be sold / served?</i>		X

**If you answered "no" to the first question, what is your non-profit status? (501 (C) (3), (4) or (6))? 501(c) (3)

Request for waivers/co-sponsorship of events must be approved by City Council prior to the event.

Thomas R. Hicks II

Events Coordinator Recommendation: Approved: _____ Denied: _____

Explanation: _____

Forward for Council Deliberation: _____
Date of Council Meeting

Council: Approved: _____ Denied: _____

Explanation: _____



Gullah Festival of Beaufort SC.29901

Remembering, Celebrating, Creating, A Living History!

The Original Gullah Festival of SC Inc. is a non-profit, tax exempt organization of Beaufort, SC. Established by native Beaufortonians in 1986, and incorporated in 1987, the three day celebration has the goal to reclaim for future generations the beauty and history of the Gullah Culture, a compelling mix of West African legacy and the American LowCountry experience and to eventually be able to help arts in education.

The Gullah Festival of SC, Inc. is hereby making its annual request for use of the Waterfront Park facilities for 2019 May 24th, 25th and 26th Memorial Day weekend. Your assistance is requested in regards to the following items:

1. The City allows the Gullah Festival access to the park on Thursday, May 23rd to prepare for the 3 day weekend.
2. The City acknowledges that the Gullah Festival will use the Waterfront Park on Friday, May 24th from 10am to 12am and Saturday, May 25th from 10a to 12am and on Sunday, May 26th from 9a to 7pm.
3. The City disables the water sprinklers on the Waterfront Park on:
Friday, May 24th from 10a to 11pm.
Saturday, May 25th from 10a to 12am.
Sunday, May 26th from 9a to 7pm.
4. The City allows access to the restrooms, water and power sources on the Waterfront Park on:
Friday, May 24th from 9a to 11pm.
Saturday, May 25th from 9a to 12am.
Sunday, May 26th from 9a to 7pm.
5. The Festival requests the city grant a waiver of the City Noise Ordinance for the following:
Friday, May 24th from 9a to 1am.
Saturday, May 25th from 9a to 1am.

- If time permits, we will get out briefly and walk to the burial site of the 54th Regiment.

Respectfully,

Roy Hicks
President of The Original Gullah Festival of Beaufort, SC

SPECIAL EVENT SIGN APPLICATION

City of Beaufort

Please submit the following information to the City of Beaufort Building Codes Office at City Hall, 1911 Boundary St., Beaufort, SC: Fax: (843) 986-5606.

Event description: _____

Sponsor of the event: _____

Dates of sign installation/removal:

Installed: _____ Removed: _____

(Note: signs must be removed 3 days after the event)

Dates of the Event:

From: _____ To: _____

NEED TO SUBMIT:

☐ Specifications for the sign and the proposed design

☐ List of locations where the signs will be installed.

REQUIREMENTS:

(Initial)

_____ **Signs shall not be placed in the following locations:** Bellamy Curve open space, Bay Street Bluff, and the Woods Bridge Causeway

_____ Signs shall not be placed within the public right-of-way. This restriction includes the posting of signs on trees, utility poles, or fences

_____ All signs shall be on private property and you must have the property owners' permission to install the signs

Contact the City Building Codes Office for more information at (843) 525-7049.

Applicant's Name (please print)

Phone Number



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/17/2019
FROM: Rhonda Carey, Events Coordinator
AGENDA ITEM TITLE: Annual request from Beaufort Waterfestival for use of Waterfront Park, street closures, sale of alcohol, use of seawall, waiver of Noise Ordinance, and Co-Sponsorship for Opening Ceremonies for Waterfestival 2019, July 12-21, 2019
MEETING DATE: 4/23/2019
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Request	Backup Material	4/17/2019



**CITY OF BEAUFORT
WATERFRONT PARK APPLICATION**

1901 Boundary Street

Phone: 843-525-7084

Fax: 843-986-5606

Name of Event: <u>64th Annual Beaufort Water Festival</u>	Date(s) of Event: <u>July 12-21, 2019</u> July 6th-22nd 2019 Setup start/end time: <u>0700-1700</u> Actual event start/end time: <u>0700-2300</u> Take down start/end time: <u>0700-2300</u>
Organization/Individual Name: <u>Beaufort Water Festival</u> POC: Tony Serrato, Parks Coordinator 843-812-7055	Address: <u>PO BOX 52, Beaufort SC</u> Telephone: <u>843-524-0600</u> Email: <u>info@bftwaterfestival.com</u>

- Completed application must be received and approved by the Events Coordinator, Linda Roper.
- Full receipt of deposit must be received to ensure securing your requested date for rental of the Waterfront Park.
- Deposits are refundable provided the venue is returned in the same condition it was received.

Please mail completed application to:

City of Beaufort, Attn: Linda Roper, 1901 Boundary Street, Beaufort, SC 29902, or

scan and email to lroper@cityofbeaufort.org.

All private events must follow the Special/Private Events Policy. To discuss specifics of the desired event, you must contact the Events Coordinator at 843-525-7084.

Is event open to the public? Yes

Will admission be charged or donation required? Yes-nightly admission

Will alcoholic beverages be sold? Yes Served? Yes-nightly

Will food be sold? Yes Served? Yes

Will there be any retail sales? Yes

Number of people expected to attend: 30,000+

The Waterfront Park venue is rentable in sections with a 4, 6, or 12-hour limit of any chosen park area or areas. Set up and take down time needs to be factored into your chosen block of time. **NO exceptions will be made.**

Fee payment due no less than 30 days prior to event.

Fill out by circling cost(s) in blocks of time desired for area(s) of interest including electrical needs.

WATERFRONT PARK RENTAL RATES FOR PRIVATE EVENTS			
Park Area	<u>4 HR Block</u>	<u>6 HR Block</u>	<u>12 HR Block</u>
Farmers Market	\$ 200.00	\$ 400.00	
Contemplative Garden	\$ 200.00	\$ 400.00	
Pavilion	\$ 350.00	\$ 500.00	
Green 1	\$ 300.00	\$ 500.00	
Green 2	\$ 450.00	\$ 750.00	
Electric Fee	\$ 50.00	\$ 75.00	
Entire Park			\$2,200.00
Deposit	\$ 500.00	\$ 800.00	\$1,100.00

See this link <http://www.cityofbeaufort.org/group-events-business-license.aspx> to obtain a group business license application for vendors.

Comments:

Event dates are July 12th-21st


Lessee/Applicant Signature

1/28/19
Date

-----Below this line for City use-----

Events Coordinator – Linda Roper

Date Application Received

Deposit Paid: _____ Fees Paid: _____ Deposit to be Refunded: _____



64th Beaufort Water Festival

"For the Community, By the Community"

July 12-21, 2019

P.O. Box 52, Beaufort, South Carolina 29901

COMMODORE

Brian Patrick
843-263-2027

PROGRAM COORDINATOR

Erin "Tank" Morris
843-247-1649

COMMODORES	Year
Stacey Canaday	2018
Jason Berry	2017
Chris Canaday	2016
Bill Damude	2015
Brandy Gray	2014
Dan Thompson	2013
John Gentry*	2012
Bob Bible	2011
Sheri Little	2010
Wilmot Schott	2009
Les Brediger	2008
Erin Dean	2007
Keith Cummins*	2006
Richard Noms	2005
Marvin Morrison	2004
G.J. "Geordie" Madlinger, III	2003
Scott Seelhoff	2002
Ed Saxon	2001
Craig McTeer	2000
David Tempel	1999
Michael Yoakum	1998
Charles H. Steinmeyer	1997
Kevin D. Cuppia	1996
Frank O. Plair	1995
Mark A. Buskirk	1994
Lowell Keene	1993
Danny Charpenier	1992
Edward M. Wise	1991
W.K. "Pete" Pillow	1990
H. Ronald Tanner	1989
D.R. "Rusty" Simpson	1988
Hutson "Buster" Davis, Jr.	1987
J. Lee Bollman	1986
George B. Brown	1985
A. Duncan Fordham	1984
"Skeet" Von Harten	1983
William C. Robinson	1982
James D. Williamson*	1981
Claude E. Surface, Jr.*	1980
Owen Hand	1979
Ed Duryea	1978
Fred Kuhn	1977
George Goldsmith	1976
Curt Copeland*	1975
John M. Finn*	1974
James G. Thomas*	1973
Thomas R. Garrett*	1972
Don Perry	1971
Robert Welden*	1970
Elnd Moody*	1969
Arthur Horne*	1968
W. Henry Jackson	1967
Colden R. Battey, Jr.	1966
C.R. Powell*	1965
R. Ray Keams*	1964
Henry V. Boyce, Jr.*	1963
Marvin H. Dukes*	1962
Robert G. McDowell*	1961
Roy Smith	1960
Mrs. Mazie Terhune*	1959
Sammy Gray*	1958
Ed Pike*	1957
John M. Bigbee*	1956

*Deceased

April 12, 2019

City of Beaufort
Attn: Bill Prokop, City Manager
1911 Boundary Street
Beaufort, SC 29902

Dear Mr. Prokop,

The Beaufort Water Festival would like to thank the Mayor and City Council for their continued support of our Annual Festival. We appreciate your support along with your staff to help us with all of the logistics needed to utilize the park and the police services. Our relationship is strong and we continue to be a good partner and engage actively in promoting Beaufort.

We request the utilization of the Henry C. Chambers Waterfront Park for the 64th Annual Beaufort Water Festival, from set-up on Tuesday, July 9th through close-down on Monday, July 22nd, 2019. The application (and deposit) for the use of the park on those dates has been submitted.

The following are requests for use, permissions, and waivers necessary to the logistical and safety purposes of the Festival:

1. Request permission to place a mobile home headquarters at the Downtown Marina restroom area and a mobile home on Freedom Park as law enforcement headquarters. Placement will be from 7:00 AM July 9, 2019 and removal by 8:00 AM July 23, 2019. In the event of severe weather (hurricane) these will be removed from the Downtown Marina in Beaufort.
2. Request closure of Waterfront Park seawall with exception of safety water event vessels, from July 12-21, 2019.
3. Request permission to erect temporary signage at the intersection of Ribaut and Bay and on Highway 170 pending utility inspection and approval from the Open Land Trust.



64th Beaufort Water Festival

"For the Community, By the Community"

July 12-21, 2019

P.O. Box 52, Beaufort, South Carolina 29901

COMMODORE

Brian Patrick
843-263-2027

PROGRAM COORDINATOR

Erin "Tank" Morris
843-247-1649

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Wilmot Schott	2009
Les Bradiger	2008
Erin Dean	2007
Keith Cummins*	2006
Richard Norris	2005
Marvin Morrison	2004
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Scott Seelhoff	2002
Ed Saxon	2001
Craig McTeer	2000
David Tempel	1999
Michael Yoakum	1998
Charles H. Steinmeyer	1997
Kevin D. Cuppia	1996
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Edward M. Wise	1991
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George Goldsmith	1976
Curt Copeland*	1975
John M. Finn*	1974
James G. Thomas*	1973
Thomas R. Garrett*	1972
Don Perry	1971
Robert Weiden*	1970
Elnid Moody*	1969
Arthur Horne*	1968
W. Henry Jackson	1967
Colden R. Battey, Jr.	1966
C.R. Powell*	1965
R. Ray Kearns*	1964
Henry V. Boyce, Jr.*	1963
Marvin H. Dukes*	1962
Robert G. McDowell*	1961
Roy Smith	1960
Mrs. Mazie Terhune*	1959
Sammy Gray*	1958
Ed Pike*	1957
John M. Bigbee*	1956

*Deceased

- Request permission to install temporary power service in several locations subject to building code inspection.
- Request permission to erect surface mounted sign near pavilion to showcase sponsors.
- Request waiver of noise limitation ordinance from July 12-20, 2019.
- Request sole permitting authority for concessionaires in the park from July 12-21, 2019. Water Festival will act as the sole agent for concessionaires during this time frame to determine fee amounts, types, and method of sale for all types of concessions to be marketed.
- Request a waiver of the City Code prohibiting placement of banners, ribbons and similar devices for July 12-21, 2019.
- Request closure of Charles Street Extension to public traffic for loading, unloading and emergency egress of safety personnel for July 11-21, 2019.
- Request permission to sell alcoholic beverages during the Beaufort Water Festival. We have applied to the State of SC for a permit and a license for that time frame. Water Festival will not sell alcoholic beverages on either Sunday of the Festival.
- Request closure of Bay Street from Bladen to Newcastle during the hours of 4:30PM to 6:30PM on Friday, July 19, 2019, to conduct the annual bed races.
- Request parade permit for Saturday, July 20, 2019. Parade times will be from 10:00AM to 12:00PM. The parade route will follow Boundary to Carteret to Bay and conclude at the corner of Bladen and the old



2019

64th Beaufort Water Festival

"For the Community, By the Community"

July 12-21, 2019

P.O. Box 52, Beaufort, South Carolina 29901

COMMODORE

Brian Patrick
843-263-2027

PROGRAM COORDINATOR

Erin "Tank" Morris
843-247-1649

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Mrs. Mazie Terhune*	1959
Sammy Gray*	1958
Ed Pike*	1957
John M. Bigbee*	1956

*Deceased

Federal Courthouse.

13. The Water Festival is in negotiations with our safety partners, Police, Fire/Rescue, EMS and SP+ to ensure all of our guests are safe at all times while visiting the Waterfront Park during our events.

14. We are also requesting the City's continued sponsorship of our fireworks display, in the amount of five thousand dollars (\$5,000.00) credited towards our invoice from the City.

As in the past, we will participate with all of your departments in a cooperative discussion of the requests listed. Any changes and/or modification will be subject to your approval.

Thank you in advance for your support and assistance in putting on another safe and memorable Water Festival.

Sincerely,


Brian Patrick
Commodore
64th Annual Beaufort Water Festival



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/12/2019
FROM: Robert Merchant, Assistant Director, Beaufort County Community Development
AGENDA ITEM
TITLE: Resolution Adopting Lady's Island Plan
MEETING
DATE: 4/23/2019
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

Plan was presented to Council on January 22, 2019 in Worksession.

Continued discussion regarding plan discussed in Worksession March 26, 2019.

PLACED ON AGENDA FOR: Action

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Cover Memo	Cover Memo	4/17/2019
Resolution	Backup Material	4/17/2019

MEMORANDUM

To: Beaufort City Council
From: Robert Merchant, AICP, Deputy Director, Community Development Department
Subject: Lady's Island Plan
Date: April 8, 2019

On behalf of the Lady's Island Plan Steering Committee, the Beaufort County Community Development Department is requesting that Beaufort City Council consider the adoption of the Lady's Island Plan. The plan summarizes the results of a broad-based community planning process for Lady's Island. It was developed through a collaborative effort between the City of Beaufort, Beaufort County, and the Town of Port Royal, multiple community organizations, advocacy groups, and many citizens. This plan includes a summary of the forces and trends influencing the island, a vision that reflects the values of the community, guidelines for new development, recommendations for managing growth relative to infrastructure, and actions needed to make the plan a reality. The plan can be viewed at the following address:

<https://ladysislandplan.wordpress.com/>

The Plan began the formal adoption phase in December 2018. The plan has been reviewed by the following entities:

- Metropolitan Planning Commission – December 17, 2018
- Beaufort County Planning Commission – January 7, 2019
- Lady's Island Business and Professional Association (LIPBA) – January 8, 2019
- Sea Island Corridor Coalition – Jan 14, 2019
- Natural Resources Committee of Beaufort County Council – January 22, 2019
- Beaufort City Council (Work Session) – January 22 and 29, 2019
- Beaufort County Chamber of Commerce – January 24, 2019
- Town of Port Royal – March 6, 2019
- Northern Beaufort County Regional Plan Implementation Committee – March 22, 2019

As a result of this review process, the following issues were raised by the Natural Resources Committee of County Council on January 22 and by Beaufort City Council at their work sessions on January 22 and 29. These issues have been addressed in the revised plan. They are as follows.

- **Airport Runway Extension:** Both City and County expressed concern about language opposing any future extension of the runway at Lady's Island Airport. Staff consulted with the Beaufort County Airports Department and the edits have been incorporated into the plan.
- **Growth Boundaries:** City Council expressed some concerns about the plan's recommendation to move the growth boundary. In the northern part of the island, they were concerned that the plan did not adequately address the existence of suburban developments located in the area of Lady's Island characterized as Rural. In the Eustis Community, the City was concerned that moving the growth boundary to the eastern boundary of the Walmart site would create a perpetual "donut hole" between the Walmart site and Distant Island (currently in the City's jurisdiction). This issue was resolved by clearly delineating the suburban developments currently located in the rural parts of the island; and by changing the prioritization of implementation actions to address limiting fill dirt and considering a sea level rise overlay zone prior to addressing the growth boundary.

- **Sea Level Rise:** The City expressed an interest in having the plan recommend a Sea Level Rise Overlay Zone where disclosure would be required when property is sold in low-lying areas. The plan was revised to add this as a growth management action item.
- **Economic Reuse of Commercial Properties:** City Council expressed concern about the Economic Reuse recommendation on Page 85. They felt that no incentives were needed to attract businesses that would otherwise locate here if market conditions warranted it. This was addressed by deleting last sentence that reads “explore a variety of economic incentives to attract developers to these underutilized properties.
- **Additional Growth Management Strategies:** City expressed concern about our growth management strategies not going far enough. The Lady’s Island Steering Committee agreed that language promoting the use of land purchases and purchase of conservation easements to preserve rural land and reduce development potential could be strengthened in the plan. The Steering Committee recommended elevating this to a major growth management recommendation.
- **Lady’s Island Community Preservation Committee:** The City expressed concern that utilizing the Lady’s Island CP Committee would create an additional level of bureaucracy and that the Committee was not best suited to implement the Lady’s Island Plan. This was addressed by stating in the Plan that the City’s utilization of committee for rezonings, annexations and large developments would be voluntary. Also, implementation of the plan would be administered by a subcommittee of the Northern Beaufort County Plan Implementation Committee.
- **Transportation Project Prioritization:** The plan calls for improvements to the intersection of Ribaut Road and Lady’s Island Drive (at the foot of the McTeer Bridge). The Northern Beaufort County Plan Implementation Committee requested that this improvement be given a higher prioritization in the Plan.
- **Residential Development without Public Sewer:** The Natural Resources Committee of County Council requested that the plan be modified to require new developments that do not access public sewer to have a maximum density of 1 dwelling unit per 2 acres. This revision was made in the plan.
- **Typos and Wordsmithing:** Several instances of awkward wording and typos were brought to the attention of staff during the review of the plan by the Natural Resources Committee and by City Council.

The following is a page by page listing of edits:

- Page 4 – paragraph under “Manage Growth” modified to change prioritization of growth management strategies.
- Page 8 – paragraph under “Implementation” modified to acknowledge Lady’s Island Subcommittee of the Northern Implementation Committee as the entity charged with overseeing the implementation of the Lady’s Island Plan
- Page 9 – new 3rd bullet and 5th bullet under Growth Management. Order of bullets changed to recognize change in prioritization of growth management strategies.
- Page 20 – Edit the second and third sentences as follows: “As it relates to Lady’s Island, the city’s Comprehensive Plan focused on the commercial corridor, ~~because at the time it was the only major commercial corridor in the city. Since the plan was adopted, other corridors have since been developed.~~”
- Page 23 - Edit description of Beaufort County Airport Master Plan

- Page 47 - Edit item 8 to read as follows: “~~Continue to conserve the waterfront by restricting the amount of dirt fill permitted.~~ Limit fill dirt on flood prone and low-lying properties.”
- Page 49 – Eliminate “Airport Principle #3”
- Page 51 - Edit item 3 to read as follows: “~~Continue to conserve the waterfront by restricting the amount of dirt fill permitted.~~ Limit fill dirt on flood prone and low-lying properties.”
- Page 52 – Show existing suburban subdivisions in the Rural form area.
- Page 53 – Amend description of Rural form area to mention existing suburban subdivisions.
- Page 55 - Edit item 6 to read as follows: “~~Continue to conserve the waterfront by restricting the amount of dirt fill permitted.~~ Limit fill dirt on flood prone and low-lying properties.”
- Page 64 – Add intersection improvements to Ribaut Road/Lady’s Island Drive to Phase One table.
- Page 65 - Add intersection improvements to Ribaut Road/Lady’s Island Drive to Phase One Map.
- Page 66 – Remove intersection improvements to Ribaut Road/Lady’s Island Drive to Phase Two table.
- Page 67 – Remove intersection improvements to Ribaut Road/Lady’s Island Drive to Phase One Map.
- Page 71 – Description of item 2 changed to take focus away from expanding the role of the Lady’s Island CP Committee. Language also modified to remove reference to CP Committee overseeing implementation of the plan. New 5th bullet added to make City of Beaufort’s involvement with the CP Committee voluntary.
- Page 75 – Description above “Implementation Themes” modified to change responsibility for plan implementation to the Lady’s Island Subcommittee of the Northern Implementation Committee.
- Page 77 – First bullet modified to remove the term “interim” from the Lady’s Island Subcommittee of the Northern Implementation Committee. Second bullet removed.
- Page 79 – Make necessary edits to recognize that the intersection improvements to Ribaut Road/Lady’s Island Drive are a Phase One project.
- Page 80 – Edit reference to correctly name the airport the “Beaufort County Airport at Lady’s Island” and to remove language about runway extension and VTOL vehicles.
- Page 81 – Eliminate reference to Local Option Gas Tax.
- Page 83 – Page 83 has been modified in the following ways:
 - Description added under “Growth Management” to explain sequencing of first four implementation actions.
 - A priority number is assigned to the first four implementation actions to make it clear what priority they are.
 - The order of the first four implementation action items has been reordered to reflect priority and sequencing order.
 - Change density of development without public sewer from 1 dwelling unit per acre to 1 dwelling unit per two acres.
 - New growth management action item added for Sea Level Rise Overlay Zone

- Page 84 – Add land purchases as a major growth management strategy.
- Page 85 – eliminate references to land purchases from “other growth management tools” since it is now a major growth management strategy.
- Page 89 – The following changes were made to the Growth Management Implementation action items:
 - Order of first four growth management implementation action items changed to reflect priority and sequencing order.
 - New action item added for Sea Level Rise Overlay Zone with low cost, short term, and moderate difficulty
 - New action item for purchase of land and conservation easements with high cost, long term and moderate difficulty

A RESOLUTION OF BEAUFORT CITY COUNCIL CONCERNING THE ADOPTION OF THE LADY'S
ISLAND PLAN

WHEREAS, the City of Beaufort and Beaufort County recognize that growth, traffic congestion, natural resource protection, and quality of life issues have created the need to plan jointly for Lady's Island; and

WHEREAS, the City of Beaufort, Beaufort County, and the Town of Port Royal, community organizations, and local citizens engaged in a twelve month planning process; and

WHEREAS, the planning process actively engaged the public through multiple public meetings and citizen surveys; and

WHEREAS, the Lady's Island Plan has been reviewed and recommended for adoption by the Lady's Island Steering Committee and the Northern Beaufort County Regional Plan Implementation Committee; and

WHEREAS, the Lady's Island Plan contains within it a multitude of recommendations which will necessitate cooperation and a proactive implementation framework; and

WHEREAS, the City of Beaufort wishes to maintain its leadership role in this vitally important collaborative effort, and for this reason is moving forward with implementation of the recommendations, with the expectation that the Municipalities will match the County in a commitment toward that objective.

NOW, THEREFORE, BE IT RESOLVED, that the City of Beaufort concurs with the findings and recommendations of the Lady's Island Plan by adopting the Plan in the following manner:

1. The City of Beaufort supports the establishment of the Lady's Island Subcommittee of the Northern Beaufort County Regional Plan Implementation Committee to oversee the implementation of the Lady's Island Plan;
2. The City of Beaufort commits to working jointly with Beaufort County and the Northern Beaufort County Plan Implementation Committee to address the growth management implementation actions of the Lady's Island Plan;
3. The City of Beaufort recognizes the importance of public engagement during the design phase of the proposed transportation improvements on Lady's Island funded by the Capital Projects Sales Tax; and
4. The recommendations of this plan will be incorporated into the City of Beaufort's Comprehensive Plan the next time that it is updated.

AND IT IS SO RESOLVED THIS 23rd DAY OF APRIL 2019.

Mike McFee, Mayor Pro Tem

ATTEST:

Ivette Burgess, City Clerk

REVIEWED BY:

City Attorney



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/11/2019
FROM: Bill Prokop, City Manager
AGENDA ITEM Approval to allow City Manager to enter into Lease Agreement with Safe Harbor
TITLE: Marinas (SHM Beaufort Downtown Marina, LLC)
MEETING
DATE: 4/23/2019
DEPARTMENT: City Clerk

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/19/2019
FROM: William Prokop, City Manager and Kathy Todd, Finance Director
AGENDA ITEM
TITLE: TIFF II Budget Ordinance - 1st Reading
MEETING
DATE: 4/23/2019
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

PLACED ON AGENDA FOR:

REMARKS:



CITY OF BEAUFORT

DEPARTMENT REQUEST FOR CITY COUNCIL AGENDA ITEM

TO: CITY COUNCIL **DATE:** 4/22/2019
FROM: David Prichard, CEDD and Reece Bertholf, Fire Chief
AGENDA ITEM Ordinance amending Part 5 Chapter 2 Article C Section 5-2028 pertaining to
TITLE: Annexation Incentives - 1st Reading
MEETING
DATE: 4/23/2019
DEPARTMENT: City Managers Office

BACKGROUND INFORMATION:

Amendment discussed in Worksession April 9, 2019.

PLACED ON AGENDA FOR:

REMARKS:

ATTACHMENTS:

Description	Type	Upload Date
Ordinance	Backup Material	4/22/2019

ORDINANCE

Amending Part 5 Chapter 2 Article C Section 5-2028 pertaining to Annexation Incentives

WHEREAS, Section 5-2028 provides for City tax incentives to property owners who agree to annex into the City of Beaufort; and,

WHEREAS, City staff has found that the public has difficulty understanding this code section, and staff has had difficulty with smooth implementation of the tax incentive process; and,

WHEREAS, staff has recommended that this section be amended to more clearly state the annexation rebates offered by the City; and,

WHEREAS, City Council agrees with this recommendation, and finds such amendment to be in the best interest of the City and its citizens;

THEREFORE, be it ordained by the City Council of Beaufort, South Carolina, in Council duly assembled, and by the authority of the same, that section 5-2028 (a) and (b) shall be, and are hereby repealed, and shall be replaced with the following new Section 5-2028:

Sec. 5-2028. - Annexation incentives.

As a result of the annexation process a property owner will be eligible for the following incentive.

Any property owner who owns real property located in Beaufort County that is not within the corporate limits of the City of Beaufort who, as a result of the annexation process, executes a successful annexation petition with the City will receive from the City a reimbursement grant equal to two (2) times that property's projected city real property taxes based upon the real property's then current appraised value, use, and city millage rate (City taxes paid) at the date of execution of the annexation petition less two (2) times any proportional payments remitted by the City to the Lady's Island St. Helena Fire District or the Burton Fire District based upon the real property's then current appraised value, use, and fire district millage rate (this reduction is NOT to exceed the millage rate of the City in the case where the Fire District millage rate is higher than that of the city) as a result of annexation.

The application for the incentive grant will be included with the annexation documents. The incentive grant application will include the pro-forma calculation of expected City

taxes at the time of annexation. The City will process the grant for payment upon the successful completion of the annexation.

This Ordinance shall become effective upon adoption.


BILLY KEYSERLING, MAYOR

ATTEST:

IVETTE BURGESS, CITY CLERK

1ST Reading _____

2nd Reading & Adoption _____

Reviewed by 
William B. Harvey, III, City Attorney