

# TOWN COUNCIL

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## STAFF REPORT EXECUTIVE DEPARTMENT



<b>MEETING DATE:</b>	July 12, 2015
<b>PROJECT:</b>	Dock Ordinance
<b>PROJECT MANAGER:</b>	Scott Marshall, Deputy Town Manager

### **RECOMMENDATION:**

Town Council approve proposed amendments to the Town of Bluffton Code of Ordinances, Chapter 22, *Streets, Sidewalks, and Other Public Property*, Article V, *Bluffton Dock*.

### **BACKGROUND:**

With the recent renovation and assumption of management of Oyster Factory Park, activity associated with the new dock and the enhanced boat landing has increased. The increase in activity, associated with the ownership of three docks (Oyster Factory Park, Calhoun Street and Palmetto Bluff) calls for a more comprehensive set of laws to ensure safe operation and uniform compliance at these venues.

### **DISCUSSION:**

The language of the existing ordinance addresses the "Bluffton Dock," and does not specify which dock. Further, it does not address boat landings. The proposed amendment retains original language pertaining to dock use and rules. Several sections have been added to provide general prohibitions, expand on the dock rules already codified, and to establishing boat landing rules. The language that has been added was modeled after the Beaufort County Ordinance on boat landings and docks.

Attached are several documents. Attachment 1 is the Ordinance for consideration, with Exhibit "A," the proposed ordinance as amended. Attachment 2 is the existing ordinance. Attachment 3 is a copy of the existing ordinance, with the changes reflected.

### **ATTACHMENTS:**

1. Ordinance to Amend Town of Bluffton Code of Ordinances, Chapter 22, Section V
2. Existing Town of Bluffton Code of Ordinances, Chapter 22, Section V
3. Existing Town of Bluffton Code of Ordinances, Chapter 22, Section V, with proposed changes reflected

**ORDINANCE NO. 2016 –**

**TOWN OF BLUFFTON, SOUTH CAROLINA**

**AN ORDINANCE AMENDING CHAPTER 22 OF THE TOWN CODE, STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY, BY AMENDING ARTICLE V, BLUFFTON DOCK, FOR THE PURPOSE OF ESTABLISHING UNIFORM RULES FOR THE REGULATION AND SAFE OPERATION OF ALL BOAT DOCKS AND LANDINGS UNDER JURISDICTION OF THE TOWN OF BLUFFTON.**

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-140 of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, the Town of Bluffton Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and,

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 22, Streets, Sidewalks, and Other Public Property by amending Article V, Bluffton Dock, to enable the Town of Bluffton to better regulate, supervise and provide for fair and safe operations of Town docks and landings;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends Chapter 22 of the Code of Ordinances for the Town of Bluffton, South Carolina, by amending Chapter 22, Article V, Bluffton Dock, as shown on Exhibit "A" attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

This Ordinance was read and passed at first reading on \_\_\_\_\_, 2016.

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

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Sandra Lunceford, Clerk  
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on \_\_\_\_\_, 2016.

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

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Sandra Lunceford, Clerk  
Town of Bluffton, South Carolina

## EXHIBIT "A"

### ARTICLE V. - BLUFFTON LANDINGS AND DOCKS

#### FOOTNOTE(S):

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**Editor's note**— Act No. 1348, Acts and Joint Resolutions of South Carolina, 1968, provides that: "Police Jurisdiction Over Town Docks—The Police Department of The Town of Bluffton in Beaufort Town shall have general police jurisdiction over the Town docks in the Town."

#### Sec. 22-126. - Applicability.

This article applies to all landings, docks and piers under the jurisdiction of the Town of Bluffton.

#### Sec. 22-127. – Purpose.

Town docks and landings are maintained by the Town for the purposes of public access for fishing and boating; loading and unloading passengers, supplies, boats and boating gear; and for similar purposes. It is the policy of the Town to maintain and regulate such facilities in a manner that will permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof.

#### Sec. 22-128. General Prohibitions.

- (a) Fires. No fires are allowed on Town docks, landings, or piers.
- (b) Camping. No overnight camping of any type shall be permitted on Town docks, landings, or piers.
- (c) Structural alterations. No person or agency shall build, maintain, extend or make structural alterations on any Town landing, dock, or pier without first obtaining a written permit to do so from the Town Manager.

#### Sec. 22-129. – Dock Rules.

- (a) Blocking and Congesting of Town Docks. To ensure public use and avoid extensive occupancy, congestion or blocking of Town docks, the Town Manager is authorized to post signs limiting the time to four hours during which a vessel may be docked or gear may be placed at or on any Town dock. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock, but in no case shall this period exceed four hours.
- (b) Vessels Needing Repair. Vessels needing engine repairs shall moor to the extreme end of the main dock and shall get under way as soon as repairs are made, but in no case shall this period exceed 24 hours.
- (c) Priority of emergency vehicles and public carriers. Public carrier vessels which have prior Town permission to use such facilities and emergency vehicles shall have priority over all other vehicles at all Town docks, landings and piers.
- (d) Securing vessels. Every vessel tying up at any Town dock shall be fastened thereto with such lines, at least from both bow and stern, and in such manner as to ensure the security of such vessel.
- (e) Fueling vessels. No person shall fuel any vessel on Town docks with any petroleum product directly from a tank wagon or truck.
- (f) Obstructing dock prohibited. No person shall obstruct the free access to or any departure from any portion of any Town dock, pier or landing.
- (g) Motor vehicles on dock. No person shall drive any motor vehicle upon any Town dock, except where there are signs authorizing vehicular traffic. Signs must specify what vehicular traffic is permitted. No person shall drive

any motor vehicle upon any Town dock except to discharge or load supplies or passengers to or from a vessel or permit any motor vehicle to remain upon any such dock except when actually engaged in discharging or loading such supplies or passengers.

- (h) Any exception to these rules and regulations shall be decided by the Town Manager.
- (i) Any damage to the floating or main dock by a vessel or person shall be paid for by the owner or the responsible person. Such payment shall be the actual amount of the damage and paid to the Town.
- (j) No littering of the dock area shall be permitted.

*(Code 1999, § 20.101)*

#### Sec. 22-130. Landing Rules.

- (a) Launching and recovery. Vehicles ready to recover vessels or watercraft from the water shall have preference over those ready to launch, the order being on a first-come basis.
- (b) Unattended or abandoned vehicles and watercraft. The following shall apply to unattended or abandoned watercraft in access areas of landings:
  - (1) It is unlawful to obstruct any pier, dock, wharf, boat ramp or the access areas to the facilities.
  - (2) Any vessel, vehicle or other object left unattended which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner.
  - (3) Any vehicle, vessel, or any other object left unattended which obstructs any public boat landing or the access to them may be removed by the Beaufort Town Public Works Director entirely at the risk and expense of the owner of the obstruction.
  - (4) The Town Manager is empowered to remove any watercraft, vessel, or vehicle that has been abandoned. A watercraft, vessel, or vehicle will be deemed abandoned if it is left unattended at a public boat landing for more than 48 hours unless express permission is obtained from the Town Manager.
- (c) Oystermen, crabbers, commercial fishermen, and other commercial uses. Oystermen, crabbers, other commercial fishermen, and other commercial users may use the Town's public landings where permitted to launch and unload their boats. However, they must manage their launching and unloading operations so that whenever another citizen needs to use the landing to get into or out of the water, the other citizen will have no longer than a 15-minute wait for the commercial vehicles and boats to clear space on the landing.
- (d) Parking of vehicles and watercraft. The use of accessways and public boat landings shall be for placement in the water and the retrieving of boats from the water.
  - (1) It shall be unlawful for any person or owner to allow the parking, stopping, or leave standing, whether attended or unattended, any vehicle, obstruction, or watercraft in or on any public boat landing:
    - (a) That is blocking, obstructing, or limiting the use of dock or access area;
    - (b) For any purpose not related to public access for fishing and boating, loading and unloading boating passengers, supplies, boats and boating gear, or other similar purposes; or
    - (c) Contrary to any posted notice prohibiting parking in a given area.
  - (2) Under no circumstance shall any vehicle be parked at a public boat landing for more than 48 consecutive hours without express permission from the Town Manager.
- (e) Fishing at public boat landings. Fishing is allowed at public boat landings as long as it does not interfere with the launching or recovery of watercraft, or the loading and unloading of passengers. Boaters shall have priority of use of the public boat landing.

(f) Government and emergency agency use. The Town Manager may utilize any public boat landing for any governmental use at his discretion. Other governmental agencies wishing to utilize a public boat landing for purposes other than emergency services such as medical services, law enforcement, fire control, search and rescue, or for the ordinary use of the boat landing as set forth above, must obtain approval for that use from the Town Manager.

Sec. 22-131. Penalties.

Any person violating any section of this division shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$200.00 or not to exceed 30 days' imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this section.

Sec. 22-132. Enforcement

The responsibility to enforce the rules and regulations set forth in this article is hereby vested in the Police Department of the Town.

ARTICLE V. - BLUFFTON DOCK

FOOTNOTE(S):

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**Editor's note**— Act No. 1348, Acts and Joint Resolutions of South Carolina, 1968, provides that: "Police Jurisdiction Over County Docks—The Police Department of The Town of Bluffton in Beaufort County shall have general police jurisdiction over the County docks in the Town."

Sec. 22-126. - Rules and regulations.

(a) The following rules and regulations are hereby adopted:

- (1) Vessels shall not moor to the floating dock except for the purpose of loading or unloading. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock, but in no case shall this period exceed four hours.
- (2) Vessels needing engine repairs shall moor to the extreme end of the main dock and shall get under way as soon as repairs are made, but in no case shall this period exceed 24 hours.
- (3) Any exception to these rules and regulations shall be decided by the Town Manager.
- (4) Any damage to the floating or main dock by a vessel or person shall be paid for by the owner or the responsible person. Such payment shall be the actual amount of the damage and paid to the County.
- (5) No littering of the dock area shall be permitted.

(b) The responsibility to enforce the rules and regulations set forth in this article is hereby vested in the Police Department of the Town.

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ARTICLE V. - BLUFFTON ~~DOCK~~LANDINGS AND DOCKS

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