

ORDINANCE NO. 25-04-18

AN ORDINANCE TO ADDRESS PUBLIC BOAT LANDING RESTRICTIONS IN BERKELEY COUNTY; TO PROVIDE FOR PENALTIES THEREOF; AND OTHER MATTERS RELATED THERETO

NOW, THEREFORE, BE IT ENACTED by the Berkeley County Council, in a meeting duly assembled,

That the Code of Ordinances, Berkeley County, South Carolina, is hereby amended by an Article, which shall read as follows:

ARTICLE VIII: PUBLIC BOAT LANDINGS

Sec. 38-150. Definitions.

As used in this Article, the following terms shall have the definition below provided:

- (a) **Boat Landing**: structure installed on the bed and bank of a navigable waterway for the purpose of launching and landing watercraft. For purposes of this section, that also includes associated recreational areas adjacent to boat landings including parks, swimming areas, or natural areas.
- (b) **Consuming or consume or consumption**: Ingestion of alcoholic beverages or the possession of any alcoholic beverages in any type of drinking container or in any bottle, can or other container upon which the seal, cork or cap has been opened.
- (c) **Camping**: erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight or to use as a temporary or permanent dwelling or lodging accommodation.
- (d) **Any other definitions**:

Certified True and Correct Copy of Original Record


Clerk to Council
County Council Berkeley County SC

Sec. 38-151. Purpose

- (a) *Findings of fact.* There are presently public boat landings situated in Berkeley County, South Carolina. These boat landings are owned and/or maintained by the county or by the state of South Carolina. Due to the increase of population in South Carolina and Berkeley County, there is naturally an increase in the popularity of boating and the increase in the use of the public boat landings by the public. This increase in use has resulted in overcrowding, increased littering, public intoxication, underage drinking, loitering, inadequate parking facilities, an increase in the hazards of using the boat landing, and the general interference with the use of the boat landings for the purpose for which they are intended.
- (b) *Purpose of boat landings.* Berkeley County public boat landings exist for the launching and retrieval of watercraft, parking of the vehicles used to transport the watercraft to and from the boat landing, and to support other recreational activities including but not limited to, fishing from the shoreline/dock, walking, and wildlife viewing.
- (c) *Intent.* It is Berkeley County Council's intent to impose reasonable regulations on the use of the public boat landings located within Berkeley County, to proscribe activities, and to provide penalties for the violation of this section to effectively enforce the same. Berkeley County Council desires to maintain and regulate Berkeley County public boat landings in such a manner that will foster the purpose thereof and permit the greatest public use and enjoyment.

Sec. 38-152. Penalties.

- (a) Unless otherwise set forth herein, any person violating any section of this article shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine not exceeding \$500.00 and imprisonment not exceeding 30 days.
- (b) Each day any violation of this Article continues shall constitute a separate offense.

Sec. 38-153. Enforcement.

The Berkeley County Sheriff's Office and Berkeley County Code Enforcement shall have authority to enforce the ordinance codified herein and upon observation of or receipt of reliable information concerning any condition or occurrence constituting a violation thereof, may enforce this ordinance through issuance of a uniform traffic ticket, warrant, or by any other lawful process.

Sec. 38-154. Prohibited activities.

The following activities are prohibited at all public boat landings located in Berkeley County:

- (a) Blocking or obstructing any public pier, dock, wharf, or boat launching ramp, or in the case of the launch or retrieval of watercraft, blocking or obstructing any public pier, dock, wharf, or boat launching ramp for a period longer than is necessary to launch or retrieve a watercraft;
- (b) Consuming alcohol, illegal drugs, or legal prescription drugs in an illegal way;
- (c) The discharge of any firearm except:
 - a. Lawful self defense or
 - b. Law enforcement or members of the armed forces while engaged in official duties;
- (d) Setting off fireworks;
- (e) Loitering;
- (f) Disorderly conduct;
- (g) Loud music;
- (h) Grilling with an open flame;
- (i) Building any fire in any place other than those specifically designated for such purpose;
- (j) Using landings for social or community events without proper permitting;

- (k) Advertising for, or transacting in, any commercial, retail, or wholesale of any goods or services without approval or permit;
- (l) Advertising any unattended boat, vehicle, or trailer for sale;
- (m) Loading or unloading of any cargo or passengers for hire or compensation;
- (n) Operating all-terrain vehicles/off-road vehicles;
- (o) Swimming within fifty (50) feet of any public pier, boat ramp, dock or water access area located in Berkeley County;
- (p) Fishing from the boat-launching area while boats are being launched or retrieved;
- (q) Water skiing, jet skiing, or wind surfing within fifty (50) feet of any boat landing;
- (r) Destroying, defacing, disturbing, or removing any Berkeley County or State of South Carolina agency sign, structure, or equipment;
- (s) Littering. Upon conviction, anyone found guilty of littering shall be subject to a fine and/or imprisonment not exceeding the fines and/or imprisonment as set forth in §16-11-700 of the South Carolina Code.

Sec. 38-155. Prohibited parking.

The following parking is prohibited at all public boat landings located in Berkeley County:

- (a) Parking in any area where notice is posted prohibiting such parking;
- (b) Parking a vehicle for more than twenty-four (24) consecutive hours;
- (c) Parking a vehicle overnight unless the vehicle is used to launch and retrieve a boat in the water or the operator is actively fishing in an approved location;
- (d) Parking anything other than a boat trailer in an area designated for boat trailers;
- (e) Parking in such a way that obstructs the normal flow of the parking lot and/or boat landing, or that would restrict emergency vehicle ingress or egress to the boat landing;
- (f) Parking unregistered vehicles or vessels.

(g) Penalties:

- (1) A Berkeley County Sheriff's Deputy or Berkeley County Code Enforcement Officer finding any vehicle parked in violation of this section, in lieu of immediately issuing a summons to its owner or driver, may affix in a conspicuous place on said vehicle a traffic citation requiring the owner or driver to post a specified bond within thirty (30) days at a specified location within the county.
- (2) Consequences of failure to comply with parking citation:
 - i. The parking citation authorized in this section shall contain a warning that if the fine required by the citation is not posted within thirty (30) days, it shall be increased by an additional specified amount and that failure to comply with the requirements of the citation shall result in the issuance of a summons.

Sec. 38-156. Unattended and abandoned watercrafts and vehicles

- (a) Any watercraft, vessel, vehicle, or other object left unattended which obstructs any public piers, dock, wharfs, or boat launching ramp, or access thereto, may be removed entirely at the risk and expense of the owner.
- (b) Any watercraft, vessel, or vehicle that has been left unattended at a public boat landing for more than forty-eight (48) hours may be deemed abandoned and may be removed at the cost of the owner.

Sec. 38-157. Additional ordinance provisions.

- (a) The omission of any specific requirement or provision from this Chapter shall not be interpreted as permitting any variation from the general meaning and intent of the ordinance codified herein as commonly inferred or interpreted and should occasion arise as to such intent or meaning, the interpretation of the governing authorities shall hold.

- (b) Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Article as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.
- (c) Whenever any requirements of this Article are in conflict with the provisions of any other legally adopted rules or regulations, the most restrictive law or requirement shall govern.
- (d) The provisions of this Article are in addition to, and not in lieu of, any other enforcement provision or process permitted by law.

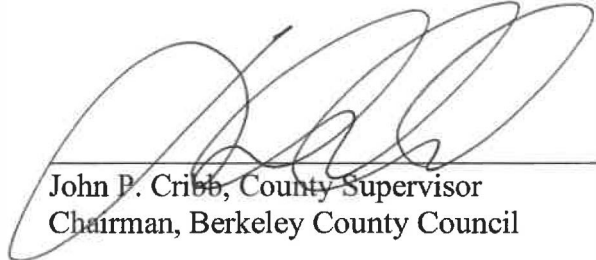
Secs. 38-158-159. Reserved.

[Signature Page to follow]

ADOPTED this 28th day of April 2025.

[SEAL]

BERKELEY COUNTY, SOUTH CAROLINA



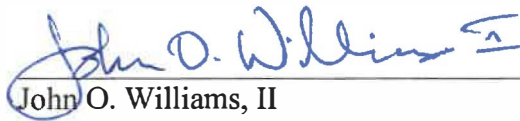
John P. Cribb, County Supervisor
Chairman, Berkeley County Council

Attest:



Amanda T. Troy
Clerk to Berkeley County Council

Approved as to form:

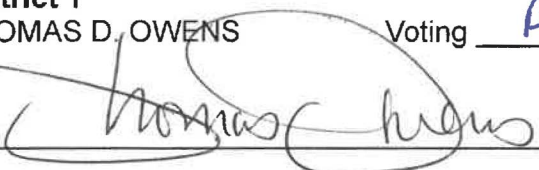

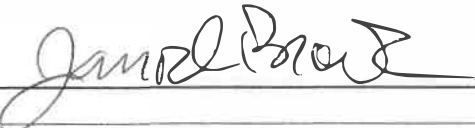
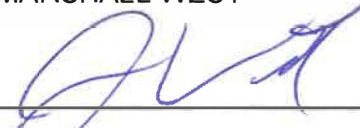





John O. Williams, II
Berkeley County Attorney

First Reading:	February 25, 2025
Second Reading:	March 24, 2025
Public Hearing:	April 28, 2025
Third Reading:	April 28, 2025

**Bill No. 25-07, An Ordinance to Address Public Boat Landing Restrictions in Berkeley County;
to provide for penalties thereof; and other matters related thereto (BCSO)**

MEMBERS OF BERKELEY COUNTY COUNCIL

District 1 THOMAS D. OWENS Voting <u>Aye</u> 	District 5 AMY STERN Voting <u>Aye</u> 
District 2 JARROD BROOKS Voting <u>Aye</u> 	District 6 MARSHALL WEST Voting <u>Aye</u> 
District 3 PHILLIP OBIE, II Voting <u>Aye</u> 	District 7 CALDWELL PINCKNEY, JR. Voting <u>Aye</u> 
District 4 JOE T. NEWELL Voting <u>Aye</u> 	District 8 STEVE C. DAVIS Voting <u>N/A</u> <u>Absent</u>