

New Beach Ordinance 27-11 Highlights

Recently, Horry County Council enacted significant changes to the regulation of activities on the beaches in the unincorporated areas of the County (Ordinance #27-11). The new regulations in their entirety are summarized as follows:

5-2 Possession or consumption of alcoholic liquors, beer, or wine prohibited on the beach or beach access: Possession or consumption of any alcoholic beverage is prohibited on the beach and public beach accesses.

5-3 Animal Restrictions on beaches: Any animal on the beach

- must be under the direct control of the person having custody of the animal, and must be cleaned up after,
- must be on a hand held leash no longer than 7-feet.
- No animals are permitted on the beach from 10 a.m. to 5 p.m., from May 1st through Labor Day.
- The following are totally prohibited: reptiles, exotic animals, or any similar type animal.

5-4 Fires prohibited: No fires of any kind are permitted, including grills, on the public beach or public beach accesses, or on adjacent public property.

5-5 Carrying glass containers on beaches prohibited: It is illegal to carry or possess any glass on the beach or public beach accesses.

5-6 Discharge, use, ignition, etc., of fireworks prohibited: It is unlawful for anyone to use, fire, shoot, discharge, or ignite any fireworks anywhere that has been designated a fireworks free zone by Horry County Council.

5-7 Sleeping on public beach or public access prohibited: It is illegal to sleep on the public beach or public beach access between the hours of 9 p.m. and 8 a.m.

5-8 Diving or jumping from piers prohibited:

- It is unlawful for anyone to jump, dive, push or shove someone from or climb any pier.
- No aquatic activities are permitted within 75-feet of any pier.

5-9 Destruction of sea oats, beach grass, beach vegetation and sand fencing: It is unlawful for anyone to remove, damage or destroy in any way sea oats, beach grass, other beach vegetation, sand fencing, public access structures, public beach structures, or fixtures. Anyone doing so may be found guilty of destruction of public property.

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5-10 Depositing litter on beach or in water is prohibited: It is illegal to place any type of litter on the public beach, sand dunes, waters adjacent to the beach, public beach accesses or into the ocean (this includes cigarette butts).

5-11 Fishing from shore to pier:

- Shark fishing (or fishing for any dangerous marine animal) from any pier, any beach, shore, or any coastal water is prohibited.
- Attracting sharks or other dangerous marine animals in any way within 1-mile of the beach or any coastal waters is prohibited.
- At the time of recognition, fishermen must release sharks and any dangerous marine animals.
- No one may fish from a pier or beach in any manner that may pose a danger to anyone, and shall keep a safe distance from others.
- Anyone surf fishing must obtain a valid South Carolina issued Surf Fishing License in accordance with South Carolina law.
- Horry County jurisdiction extends 1-mile into the Atlantic Ocean and includes all beaches, swashes, and piers.
- Commercial fishing is prohibited from any public beach.

5-12 Use of bicycles: Bicycles, tricycles or similar vehicles are not permitted on the beach between the hours of 10 a.m. and 5p.m. from May 1st to Labor Day.

5-13 Watercraft restrictions:

- Sailboats, boats, jet-skis, or other watercraft cannot be left on the public beach anytime after sunset and before sunrise each day and may not be left unattended at any time.
- Motorboats may not be operated, except for jet-skis or similar vessels, in the Atlantic Ocean within 400-yards of shore or anywhere in any manner as to create a hazard to the public.
- Jet-skis (including wave riders and similar vehicles) may not be operated in the ocean within 100-yards of shore from May 1st up to and including Labor Day, except that jet-skis can be launched from and returned to the beach on a course approximately perpendicular to the beach. When launching or returning, the jet-ski must be operated as slowly as surf conditions permit and must avoid all swimmers or anyone in the water.
- Sailboats, sail boards, kite surfing boards, and like devices may not be operated in the ocean within 100-yards of shore during the period from May 1st up to and including Labor Day, except that such devices listed above may be launched and returned to the beach on a course approximately perpendicular to the beach. When launching or returning, the sailboat or like vessel must operated as slowly as surf conditions permit and must avoid all swimmers or anyone in the water.

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5-14 Reckless or intoxicated operations prohibited: It is illegal to operate any motorboat, jet-ski, or vessel, or manipulate any surfboard, or similar device, or engage in any activity on the beach or beach access in a reckless or negligent manner (including being under the influence of drugs and/or alcohol) so as to endanger the life, limb, or property of any person.

5-15 Horses prohibited:

- Horses are only permitted on the unincorporated beach from November 1st through February 28th.
- When permitted, all horses and riders must enter and exit at designated beach accesses and cannot walk on or damage any sand dunes.
- The designated equestrian zone for the unincorporated beaches of Horry County is the central portion which includes south of Myrtle Beach and north of Surfside Beach.

5-16 Solicitation and commercial activities prohibited: Except for authorized beach franchise holders, on the public beach it is unlawful to:

- solicit property, business, or financial assistance of any kind,
- distribute free product samples,
- distribute admission passes, or entry tickets,
- conduct any sales or rental business,
- sell or offer to sell any article, good, publication, subscription, or other thing of value.

5-17 Authority of beach patrol officers and their agents as to swimmers: Anyone appointed as deputies or constables, who are police officers, their authorized agents, or lifeguards have the power to supervise and regulate physical activities and swimming on the beaches, strand and the ocean. These appointed persons may recall:

- swimmers who are more than 50-yards from shore or less depending on conditions
- swimmers who are in water more than chest deep or less depending on conditions
- anyone engaging in aquatic activity within 150-yards of any pier
- anyone in danger of drowning or otherwise
- anyone endangering others
- anyone physically or mentally unable to safely handle conditions

5-18 Flotation devices prohibited: To be allowed, flotation devices must:

- be fabric covered
- have a 360-degree rope (3/8th inch minimum diameter) with a 10% slack
- or must be U.S. Coast Guard approved as a flotation device

This section does not apply to surfboards, paddleboards, and skimboards.

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Licensed retail stores that sell beach equipment must display, prominently, a copy of the subsection (A) relating to flotation devices.

5-19 Vehicles prohibited:

- no motorized vehicles of any kind are permitted on the beach or within marsh areas
- Vehicles (includes motorcycles and golf carts) are not permitted to be parked in the beach access or on the beach.
- Exempted from this are official vehicles such as emergency vehicles and approved beach franchise vehicles.
- Golf carts are permitted on the unincorporated beach from November 1st through February 28th as long as they bear a valid state permit and are operated by a licensed driver.

5-20 Surfing restricted:

- Surfboards, paddleboards, kayaks, skimboards, hard sided boogie boards, boogie boards with fins and similar hard/solid devices are permitted on the unincorporated beach between 10 a.m. and 5 p.m. from May 1st through Labor Day.
- Surfing is allowed anywhere along the beach at any other time
- No surfing is allowed within 75-yards of any pier.
- All surfers must wear a surfing leash with a maximum length of 7-feet at all times.
- Surfers must not be a hazard to others in the water or on the beach.
- Soft sided boogie boards or similar padded small devices are not considered surfboards, but must be secured to the person in control of the device and be used in a safe manner.

5-21 Nudity prohibited:

- No one may appear in the nude on a beach, beach access or in any public water, any public property, or in the view of the public.
- It is unlawful for anyone to intentionally appear on the beach, beach access, public waters, any public property, or in the view of the public in any way that exposes to the view of others any genitals, buttocks, or the female breasts below the areola.

5-22 Placing obstructions on the beach restricted:

- Approved beach franchise holders will place their life guard stands and umbrella lines.
- Any umbrella or other obstruction that impedes the above umbrella line or lifeguard's view/area of responsibility may be moved.
- No umbrella or other obstruction may be placed within 10-feet of any established umbrella line and must be in line with or landward of the established line.

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- If there is no established umbrella line, umbrellas and other shading devices must be placed above the high-tide line.

5-22 Placing obstructions on the beach restricted (continued):

- Shading devices must not exceed the maximum size of 12-feet by 12-feet or 144-square feet with a maximum height (of any device) of 9-feet installed.
- Shading devices, other than circular umbrellas with a diameter of 7.5-feet or less, must not be placed within 10-feet of any other shading device.
- Shading devices of any kind cannot be tied, bound, or connected in any manner.
- Excluding umbrellas, all shading devices must be secured in such a fashion as to restrict uncontrolled movement with fasteners, stakes, weights or the like that will not endanger anyone on the beach.
- Anchor lines, tethers, and such cannot extend beyond the perimeter of the shading device.
- No shading devices, umbrellas or other obstructions may be placed in a marked, official emergency/authorized vehicle access lane.
- No items may be leaned on, placed on or under, locked to, or connected to sand fencing, dune walkovers, public beach accesses, or other public structures located on the beach.
- It is illegal to build, erect, place, bury, or create any fence or other obstruction on the public beach, beach access, or dune walkover.
- Between the hours of 7 p.m. and 8 a.m. it is unlawful to leave, place, or set any equipment on the beach, including shading devices, surfboards, floats, rafts, volleyball nets, etc. Any items found during the above times may be removed.

5-24 Control of hazardous activity:

- Any activity on the beach that is deemed a hazard to anyone walking, swimming, or sunbathing can be controlled by the police, lifeguard and/or beach franchise holder.
- It is illegal to block the beach or beach access to where a person, beach franchise service, lifeguard, police, or any authorized vehicle may not pass.
- Anyone failing to obey the directions of any law enforcement officer or authorized lifeguard is guilty of a misdemeanor.