



**The Town of Hilton Head Island**

**Regular Town Council Meeting**

**January 5, 2016**

**4:00 P.M.**

**BENJAMIN M. RACUSIN COUNCIL CHAMBERS**

**AGENDA**

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**As a Courtesy to Others Please Turn Off/Silence All Mobile Devices During  
the Town Council Meeting**

- 1) Call to Order**
- 2) Pledge to the Flag**
- 3) Invocation**
- 4) FOIA Compliance** – Public notification of this meeting has been published, posted and distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 5) Proclamations and Commendations**  
None.
- 6) Approval of Minutes**
  - a. Town Council Meeting, December 15, 2015
- 7) Report of the Town Manager**
  - a. Town Manager's Items of Interest
    - (1) Town News
    - (2) Noteworthy Events
- 8) Reports from Members of Council**
  - a. General Reports from Council
  - b. Report of the Intergovernmental Relations Committee – Bill Harkins, Chairman
  - c. Report of the Community Services Committee – Kim Likins, Chairman
  - d. Report of the Public Planning Committee – Tom Lennox, Chairman
  - e. Report of the Public Facilities Committee – Lee Edwards, Chairman
  - f. Report of the Public Safety Committee - Marc Grant, Chairman
  - g. Report of the Finance and Administrative Committee - John McCann, Chairman
  - h. Report of the Circle to Circle Committee - Tom Lennox, Town Council Liaison
- 9) Appearance by Citizens**

**10) Unfinished Business**

**None.**

**11) New Business**

**a. First Reading of Proposed Ordinance 2016-01**

First Reading of Proposed Ordinance 2016-01 to amend Title 8 (Beaches, Waterways, and Recreational Areas) of the Town of Hilton Head Island by amending Chapter 1 (Beaches) Section 8-1-211 Prohibited and Regulated Activities; and provide for severability and an effective date.

**b. First Reading of Proposed Ordinance 2016-02**

First Reading of Proposed Ordinance 2016-02 to repeal Chapter 1 of Title 17 of the Municipal Code of the Town of Hilton Head Island, South Carolina and to reenact a new Chapter 1 of Title 17, adoption by reference of Beaufort County Ordinance Chapter 14, Article II Animal Control; and providing for severability and an effective date.

**c. Consideration of a Resolution – Acceptance of Public Art**

Consideration of a Resolution of the Town of Hilton Head Island, South Carolina, authorizing the execution of a gift agreement with the Community Foundation of the Lowcountry for the acquisition of the “THEB-Tally” sculpture.

**d. General discussion by Town Council of potential Capital Project Sales Tax Commission list.**

**12) Executive Session**

**a. Land Acquisition**

Discussion of negotiations incident to the proposed sale, lease or purchase of property:

1. related to parcels on Palmetto Bay Road.
2. related to potential acquisition of property in the Jonesville Road Area.
3. related to potential acquisition of property in the Mitchellville Road Area.

**13) Possible actions by Town Council concerning matters discussed in executive session**

**14) Adjournment**

**THE TOWN OF HILTON HEAD ISLAND**  
**REGULAR TOWN COUNCIL MEETING**

**Date:** Tuesday, December 15, 2015

**Time:** 4:00 P.M.

**Present from Town Council:** David Bennett, *Mayor* Bill Harkins, *Mayor Pro Tem*; Marc Grant, Tom Lennox, Kim Likins, John McCann, Lee Edwards, *Council Members*

**Present from Town Staff:** Steve Riley, *Town Manager*; Greg DeLoach, *Assistant Town Manager*; Charles Cousins, *Director of Community Development*; Scott Liggett, *Director of Public Projects & Facilities/Chief Engineer*; Brad Tadlock, *Fire Chief*; Brian Hulbert, *Staff Attorney*; Susan Simmons, *Director of Finance*; John Troyer, *Deputy Finance Director*; Cindaia Ervin, *Finance Assistant*; Erica Madhere, *Finance Administrator*; John Valvo, *Systems Analyst*; Vicki Pfannenschmidt, *Executive Assistant/Town Clerk*

**Present from Media:** None

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**1) CALL TO ORDER**

Mayor Bennett called the meeting to order at 4:00 p.m.

**2) PLEDGE TO THE FLAG**

**3) INVOCATION**

**4) FOIA Compliance** – Public notification of this meeting has been published, posted and distributed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5) Proclamations and Commendations**

None.

**6) Approval of Minutes**

**a. Town Council Meeting, December 1, 2015**

Mr. Harkins moved to approve. Mr. McCann seconded. The minutes of the December 1, 2015 regular Town Council meeting were unanimously approved by a vote of 7-0.

**7) Report of the Town Manager**

**a. Town Manager's Items of Interest**

Mr. Riley reported on the items of interest listed below.

(1) Town News

(2) Noteworthy Events

**8) Reports from Members of Council**

**a. General Reports from Council**

Mr. Harkins referenced a meeting regarding the Hilton Head Plantation beach erosion problem in the Pine Island area. He said Hilton Head Plantation asked for assistance and the Mayor advised that before a solution is developed for one particular

neighborhood, Council should think about developing a clear understanding of what the current or future Island-wide erosion issues may be throughout the entire Island and toggle together a policy that could make sense and treat all issues in fairness. Mr. Harkins added that staff members from ATM Engineering were present at the meeting and he asked them to pull together an outline that would speak to a review process that could be helpful to Hilton Head Plantation and likewise for the Town. He requested that the item be placed on a future Town Council agenda.

Mayor Bennett stated he has been contacted by a number of individuals and a couple organizations in the Forest Beach area asking for help regarding safety and crime in the area. He stated he obtained a Call for Service Log from the Beaufort County Sheriff's Office from one of the communities in the area for the time period of January 1, 2015 through December 1, 2015 and referenced the list. He asked that the Public Safety Committee look into the matter and bring back a report to Council with initial findings within 60 days. Mr. Lennox concurred that the problem is growing and the specific issues need to be determined and agreed that assignment to the Public Safety Committee for further investigation made sense. Mr. Grant stated he would be happy to work on it.

**b. Report of the Intergovernmental Relations Committee – Bill Harkins, Chairman**

No report.

**c. Report of the Community Services Committee – Kim Likins, Chairman**

No report.

**d. Report of the Public Planning Committee – Tom Lennox, Chairman**

Mr. Lennox stated the Committee is moving toward soliciting a short-term consulting agreement with someone to come in and evaluate the data that has been assembled to date and expects something to be done within the next 75 days and hopes to bring it to Council at that time.

**e. Report of the Public Facilities Committee – Lee Edwards, Chairman**

Mr. Edwards explained he could not be at the meeting earlier in the day and Mrs. Likins would conduct the report. Mrs. Likins stated the Committee met and received a presentation on the design for the Island Recreation facility expansion.

**f. Report of the Public Safety Committee - Marc Grant, Chairman**

Mr. Grant reported the Committee met on December 7 and heard concerns regarding speed limits on Marshland and Spanish Wells Road. He reported that Mr. Shoemaker emailed the SCDOT and they will undertake a traffic study for Spanish Wells Road. He said they have not heard about Marshland Road yet. Mr. Grant said the Committee also discussed the 2015 bicycle collision statistics and possible solutions along with review of the Beaufort County Animal Control ordinance and the Committee voted to move it forward to Council for review and consideration of adoption at the January 5 Town Council meeting.

**g. Report of the Finance and Administrative Committee - John McCann, Chairman**

No report.

**h. Report of the Circle to Circle Committee - Tom Lennox, Town Council Liaison**

Mr. Lennox reported there was a special meeting of the Committee held on December 14 to conduct interviews for the Urban Design Planners for the Circle to Circle work.

**9) Appearance by Citizens**

Mr. Skip Hoagland addressed Council with multiple comments.

Upon completion of Mr. Hoagland's comments, Mayor Bennett noted that his understanding of Town Code is that only citizens of Hilton Head Island can approach and discuss a matter with Council and since Mr. Hoagland is not a citizen of the Island, and until such time that a majority of Council overturns his decision, Mr. Hoagland will not be invited or allowed back to speak before Council.

Mr. Jack Daly offered his assistance to the Public Safety Committee regarding the safety review in the South Forest Beach area.

**10) Unfinished Business**

**a. Second Reading of Proposed Ordinance 2015- 25**

Second Reading of Proposed Ordinance 2015-25 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2015; to provide for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

**b. Second Reading of Proposed Ordinance 2015- 26**

Second Reading of Proposed Ordinance 2015-26 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2016; to provide for the budgeted appropriations of prior year encumbrances and for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

**c. Second Reading of Proposed Ordinance 2015-27**

Second Reading of Proposed Ordinance 2015-27 to amend the budget for the Town of Hilton Head Island, South Carolina, for the Fiscal Year ending June 30, 2016; to provide for the budgeted appropriations of prior year budget roll-forwards and the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

**d. Second Reading of Proposed Ordinance 2015-28**

Second Reading of Proposed Ordinance 2015-28 to amend the budget for the Town of Hilton Head Island, South Carolina, for the fiscal year ending June 30, 2016; to provide

for the expenditures of certain funds; to allocate the sources of revenue for the said funds; and providing for severability and an effective date.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

## **11) New Business**

### **a. Consideration of a Resolution – Beach Renourishment Bonds**

Consideration of a Resolution relating to the declaration of intent by the Town Council of the Town of Hilton Head Island, South Carolina, to reimburse certain expenditures prior to the issuance by the Town of its tax-exempt debt.

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

### **b. Consideration of a Proposed Sewer Expansion Program – Years 2-5**

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

### **c. Consideration of Recommendations of the Accommodations Tax Advisory (ATAX) Committee**

Mr. McCann moved to approve the recommendations as a package as is. Mr. Lennox seconded. The motion was unanimously approved by a vote of 7-0.

Mayor Bennett thanked Mr. Alsko and members of the Committee for their efforts.

### **d. Consideration of adoption of the Key 2016 Council Priorities**

Mr. Harkins moved to approve. Mr. McCann seconded. The motion was unanimously approved by a vote of 7-0.

## **12) Executive Session**

Mr. Riley stated an executive session was needed for Land Acquisition; discussion of negotiations incident to the proposed sale, lease or purchase of property: 1) related to a parcel near the corner of US 278 and Wild Horse Road; 2) related to potential acquisition of property in the Sea Pines Circle Area; 3) related to potential land acquisition in the Shelter Cove area; and legal matters: 1) receipt of legal advice related to a pending, threatened, or potential claim and to consider authorizing the indemnity of council members who are required to hire personal counsel to defend a claim or to prevent and stop improper harassment by third parties.

Mr. McCann moved that Council go into Executive Session for the items enumerated on the agenda by Mr. Riley and in addition for discussion of negotiations incident to contractual matters with Beaufort County and Palmetto Hall Plantation related to a proposed Memorandum of Understanding. Mr. Harkins seconded.

Mayor Bennett called the meeting back to order at 6:25 p.m. and stated there was no action taken during executive session and referenced moving on to New Business Item 11.e. below:

**11.e. Consideration of Adoption of a Memorandum of Understanding (MOU) with Beaufort County and the Palmetto Hall Plantation Owners' Association associated with trimming and removal of trees necessary to address FAA approach slopes.**

Mr. McCann moved to replace Section 3 with new language on Release of Claims and added into the motion and to approve.

Mr. Riley stated alternative language is being inserted into the document that was made public.

He stated that Under Section 3, Subsection E, Item iii. Indemnification is now Item iv. The old Item iv. - Release of Claims has been deleted and is substituted with a new Item iii. Release of Claims which reads as follows:

iii. Release of Claims. Palmetto Hall does hereby, on behalf of itself and its successors and assigns, release and forever discharge the Town and the County, including the Town and the County's successors and assigns, of and from any and all claims, actions, and causes of action which Palmetto Hall ever had or may have, or which its successors or assigns hereafter can, shall or may have against the Town and/or County, for and by any reason of any matter arising from or pertaining to the execution and performance of this Memorandum of Understanding and/or conditions contained herein, as well as related improvements to the airport only as contemplated in Phase I of the 2010 Hilton Head Island Airport Master Plan (Sheet 3 of 14) attached hereto as Exhibit "A", which may not be amended or modified pursuant to that certain Joint Resolution 2010-27, dated October 27, 2010 and attached hereto as Exhibit "B"; provided, further, this Release of Claims does not apply to any intrusion of the Object Free Area (OFA) onto Palmetto Hall property. Palmetto Hall represents and warrants that it has not assigned or transferred any interest in any claim that it may have against the Town and/or County being released under the terms herein, and agrees to indemnify and hold the Town and County harmless from any liabilities, claims, demands, damages, costs, expenses, and attorney fees incurred as a result of any entity or person not a party to this Memorandum of Understanding rightfully claiming the existence of, or rights under, any such assignment or transfer.

Moreover, to the indemnification language is added at the very end after "contained herein":

, including but not limited to installation of landscaping and similar improvements by Palmetto Hall and/or its contractors, subcontractors, employees, and agents.

Mr. Harkins seconded. The motion was unanimously approved by a vote of 7-0.

**13) Possible actions by Town Council concerning matters discussed in executive session**

- a. Consideration of a resolution authorizing the retention and payment for personal counsel to protect council members through appropriate legal process from improper and/or unlawful harassment by third parties.**

Mrs. Likins informed the Mayor she was going to recuse herself and she left the dais. The required Potential Conflict of Interest form will be attached to the approved, signed minutes.

Mr. Edwards moved to approve. Mr. McCann seconded. The motion was approved by a vote of 6-0. (Mrs. Likins was not at the dais and did not participate in the vote due to her recusal as noted above.)

**14) Adjournment**

Mayor Bennett adjourned the meeting at 6:30 p.m.

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Vicki L. Pfannenschmidt  
Executive Assistant/Town Clerk

Approved:

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David Bennett, Mayor



# ITEMS OF INTEREST

## JANUARY 5, 2016

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### Noteworthy Events

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Some of the upcoming meetings at Town Hall:

- Planning Commission – January 6, 2016, 9:00 a.m.
- Public Planning Committee – January 7, 2016, 3:00 p.m.
- Design Review Board – January 12, 2016, 1:15 p.m.
- Circle to Circle Committee – January 13, 2016, 8:30 a.m.
- Parks and Recreation Commission – January 14, 2016, 3:30 p.m.
- Town Administrative Offices closed in observance of Martin Luther King Day- January 18, 2016
- Finance and Administrative Committee – January 19, 2016, 2:00 p.m.
- Town Council - January 19, 2016, 4:00 p.m.

(Additional meetings may be scheduled and all meetings are subject to change and/or cancellation. Please visit the Town of Hilton Head Island website at [www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov) for Committee meeting dates and agendas.

### 2016 Hilton Head Island Events

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January 18, 2016 10:00 a.m. – 2:00 p.m.	MLK March/Awards/Cookout	Hilton Head Island High School
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# **MEMORANDUM**

**TO:** Town Council

**FROM:** Finance and Administrative Committee

**RE:** Beach Related Issues; Proposed Ordinance 2016-01

**DATE:** December 2, 2015

**CC:** Stephen G. Riley, ICMA-CM, Town Manager  
Gregory D. DeLoach, Esq., Assistant Town Manager for Administration

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At the December 1 meeting, the Finance and Administrative committee voted unanimously to recommend to Town Council that the Town beach ordinance be amended to prohibit fishing on the beach between the hours of 10:00 am and 5:00 pm between the Friday before Memorial Day and Labor Day. A proposed ordinance is attached which will accomplish this prohibition of fishing during these dates and times.

**Summary:** Certain beach issues have arisen which caused this committee to have a public meeting to allow the residents to come in and express any issues or concerns related to the beach. The public meeting was held on September 29, 2015. At the meeting comments from the public were taken and some of the comments related to tents and canopies on the beach, holes left in the sand, trash, alcohol usage on the beach, the size of coolers used on the beach, noise levels, and fishing. Mr. Ralph Wagner, of Shore Beach Services, spoke to the committee and gave his views and opinions related to tents and canopies on the beach.

**Background:** The committee believes that the Town should increase the effort to educate and inform the public concerning the rules and regulations related to the beach be made going forward. Staff has related that this increased education would be accomplished by making a more visible presence on the Town website during the Spring and Summer beach seasons highlighting the beach rules. The Town will also send out pamphlets similar to those attached to this memo which address the current rules of the beach and the Sea Turtle Protection Program. These pamphlets would be distributed digitally to hotels, rental agencies, and owners of summer rental properties. Additionally, the Town will add the appropriate language to the signs located near most beach access points to inform the public of the prohibition against fishing or surfcasting on the beach between the hours of 10:00 am and 5:00 pm between the Friday before Memorial Day and Labor Day, if approved by Town Council.

The Town will also meet with Shore Beach Services and the Beaufort County Sheriff's Office to encourage and re-emphasize the need to educate the public on the rules of the beach when they see any violations. Additionally, Town code enforcement officers will patrol the beach on 2-3 mornings per week and 2-3 afternoons per week to enforce the municipal code and to educate visitors when they see any violations.

The committee concurs with staff's recommendation that no changes to the Town ordinance be made to regulate or prohibit the use of tents or canopies on the beach, or to prohibit the

use of shovels to dig holes in the sand on the beach. Town code enforcement officers and Shore Beach Services personnel will proactively monitor the beach to require that people fill in any excessively large holes they have created prior to leaving for the day. Additionally, staff believes that the current ordinances which addresses trash and litter, alcohol, and disturbing the peace are sufficient and that these ordinances not be amended.

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**PROPOSED ORDINANCE NO. 2016-01**

**ORDINANCE NO.:**

**AN ORDINANCE TO AMEND TITLE 8 (BEACHES, WATERWAYS, AND RECREATIONAL AREAS) OF THE TOWN OF HILTON HEAD ISLAND BY AMENDING CHAPTER 1 (BEACHES) SECTION 8-1-211 PROHIBITED AND REGULATED ACTIVITIES; AND PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 84-10, Title 8 entitled “Beaches, Waterways, and Recreational Areas; Chapter 1 “Beaches” on May 21, 1985 and subsequent amendments thereafter; and

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina desires to protect the health, safety, and general welfare of the citizens and visitors within the Town and specifically at the public beach areas of the Town; and

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina finds that the concentration of persons using the Town’s public beaches between the period from the Friday before Memorial Day until the Monday of Labor Day weekend necessitates the prohibition of fishing during the hours from 10:00 a.m. until 5:00 p.m. to help ensure a safe and tranquil setting for beach-goers; and

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina finds that it is in the best interest of the Town to prohibit fishing on the Town’s public beaches between the period from the Friday before Memorial Day until the Monday of Labor Day weekend necessitates the prohibition of fishing during the hours from 10:00 a.m. until 5:00 p.m.; and

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina now desires to amend Section 8-1-211 of Chapter 1 of Title 8 for the purpose of regulating the times and dates when fishing is allowed on the Town’s public beaches; and

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:**

**NOTE:** **Underlined and bold-face typed** portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

**Section 1.** That Chapter 1 of Title 8 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended as follows:

**TITLE 8 Beaches, Waterways, and Recreational Areas**

**Article 2. Prohibited and Regulated Activities**

**Part A. General Beach Prohibitions**

**Sec. 8-1-211. Unlawful Activities Enumerated.**

- **(22) Fishing.** Except as provided herein, no person shall fish 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. Any violation of the provisions hereof may result in the person fishing being charged with a misdemeanor and the fishing gear and any bait or fish being seized by the appropriate code enforcement officer or law enforcement officer.

**Section 2. Severability.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 3. Effective Date.** Ordinance shall become effective upon adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

By: \_\_\_\_\_  
**David Bennett, Mayor**

**ATTEST:**

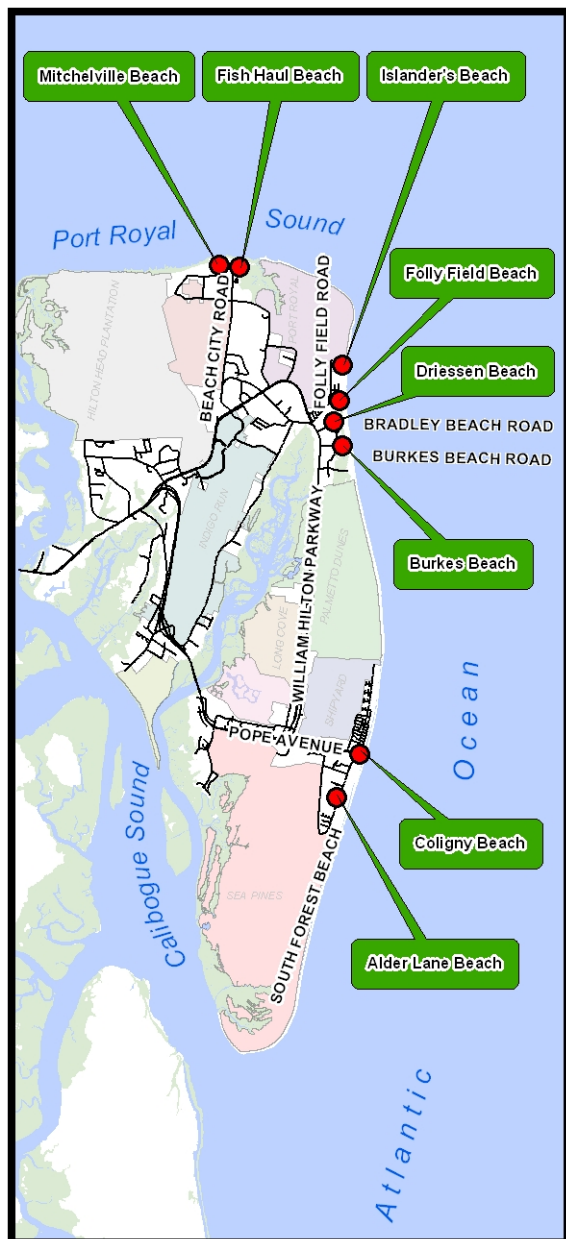
By: \_\_\_\_\_  
**Victoria L. Pfannenschmidt, Town Clerk**

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_



For More Beach  
Information

### PLEASE CONTACT:

Town of Hilton Head Island  
Facilities Management Division  
One Town Center Court  
Hilton Head, SC 29926  
(843) 342-4580, (843) 341-4600

Shore Beach Services  
(Beach Patrol)  
Arrow Road  
Hilton Head, SC 29928  
(843) 785-3494

Beaufort County Sheriff's Office  
Southern Division  
PO Box 21331  
Hilton Head, SC 29925  
(843) 842-4111, (843) 785-3618

S.C. DHEC Coastal Resources  
Ashley Corporate Center  
4130 Faber Place Suite 300  
Charleston, SC 29405  
(843) 744-5838

## RESIDENT AND VISITOR

GUIDE TO

## HILTON HEAD ISLAND BEACH PARKS



*Prepared by the Town of Hilton Head Island*

Hilton Head Island's official beach season is April 1st through September 30th of each year.

### **PUBLIC BEACH ACCESSES**

The entire beach is public, from the ocean to the high water mark. Access to the beach, however, is often private. The Town of Hilton Head Island provides beach access at the following locations:

**Alder Lane Beach Access**, off South Forest Beach Drive; **Burkes Beach Access**, at the end of Burkes Beach Road; **Chaplin Community Park**, off Castnet Drive; **Coligny Beach Park**, off Coligny Circle; **Fish Haul Creek Park** at the end of Beach City Rd, **Driessen Beach Park**, at the end of Bradley Beach Road; **Folly Field Beach Park**, off Folly Field Road; **Islanders Beach Park** off Folly Field Road and **Mitchelville Beach Park** off Mitchelville Road.

### **PARKING FEES**

Parking is free at Chaplin Community Park and Coligny Beach Park with access to the Atlantic Ocean. Parking is also free at Fish Haul Creek Park and Mitchelville Beach Park providing access to Port Royal Sound.

Parking costs a QUARTER for each fifteen minutes at Alder Lane, Burkes Beach and Folly Field Beach Park. Parking at Driessen Beach Park costs a QUARTER for each thirty minutes. Each of these parks provides access to the Atlantic Ocean.

All parking at Islanders Beach Park is reserved for annual beach passes only. Additionally there is reserved parking available for beach pass holders at Driessen Beach Park between 8:00 am and 3:00 pm.

Handicap parking is available free of charge at all beach parks. Restrooms, changing areas, and sand

showers are available at the beach parks.

### **DESIGNATED SWIMMING AREAS**

Official swimming areas have been designated for the Alder, Coligny, Driessen, Folly Field, and Islanders beaches. The boundaries of these areas will be clearly marked on the beach and in the water.

During the beach season lifeguards are stationed in each of the designated swimming areas and other heavily populated beach areas for assistance and beach information. Please ask a lifeguard before entering the water if the yellow caution flag is flying.

### **BEACH PROHIBITIONS**

The Beaufort County Sheriff's Office patrols the beaches and enforces all beach regulations. Violators of beach regulations are subject to fines up to \$500 plus court costs per each offense.

The following are PROHIBITED on all beaches:

- Alcoholic liquor, beer, wine
- Glass (bottles, containers, etc.)
- Littering
- Indecent exposure (nudity)
- Disorderly conduct
- Disturbing the peace
- Unauthorized vehicles
- Fires and Fireworks
- Shark Fishing
- Removal, harming, or harassment of any live beach fauna (sea turtles, sand dollars, conchs, starfish, etc.)
- Removal, alteration, or damage to dunes, sea oats, or other dune flora
- Operation, launching, or landing of unauthorized motorized watercraft
- Unauthorized commercial activity
- Sleeping on the beach between midnight and 6 a.m.

Unauthorized wearing of lifeguard emblems, insignias, etc.

Solicitation or distribution of handouts  
Kites not under manual control  
Stunt kites 10 a.m. - 6 p.m. April 1 through September 30  
Sand-sailing

For the added protection of sunbathers and swimmers, the following activities are prohibited in Designated Swimming Areas between 10 a.m. and 6 p.m. April 1 through September 30:

- Fishing or surfcasting
- Surfboards, boogie boards, etc.
- Frisbees or other team sports involving a ball
- Games with metal components

### **ANIMALS:**

#### **Are not permitted -**

- Between 10 a.m. and 5 p.m.
- Friday before Memorial Day through Labor Day

#### **Must be on a leash -**

- Between 10 a.m. and 5 p.m.
- April 1 through Thursday before Memorial Day
- Between 10 a.m. and 5 p.m.
- Tuesday after Labor Day through September 30

**Must be on leash or under positive voice control at all other times.**

**Persons in control of animals on the beach are required to remove and properly dispose of the animal's excrement.**

**PLEASE TAKE CARE OF OUR BEACHES  
PLACE LITTER IN THE TRASH**

# What you can do to protect loggerhead sea turtles:



## Remove beach litter

Balloons, plastic bags, foam, fishing gear and other non-degradable litter can cause the deaths of many sea turtles who mistake them for food.



## Observe from a distance

If you encounter a nesting turtle, do not shine any lights on or around her - she may abandon her effort to nest. Do not use flash photography. Stay behind the turtle so that she cannot see you.



## Do not harass a turtle

Don't touch or prod her to move. Stay behind her as she crawls back to the water.



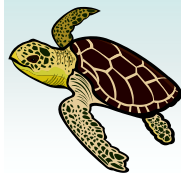
## Leave nest sites alone

If you see a nest, don't disturb it. Leave any identification markers in place.



## Report injured turtles

Call to report dead or injured turtles.



# Lights Out!

The most important way you can protect Hilton Head Island's loggerhead sea turtles is to turn the lights out!

Sea turtle hatchlings usually emerge from the nest at night. They orient themselves toward the brightest horizon and dash towards the sea. Visible lights from buildings or streets near the beach disorient the hatchlings, and they wander inland where they are almost certain to die. If they don't make it to the ocean quickly, hatchlings are likely to die of dehydration in the sun or could be caught by predators like birds and crabs. Artificial lights can also disorient females or discourage nesting.



The Town of Hilton Head Island requires that lights visible from the beach be shielded or turned off from 10pm to 6am from May 1 to October 31. Any windows facing the beach must also be covered with draperies or shade screens.

Remember, lights out

To report a dead or injured Sea turtle contact: South Carolina Department of Natural Resources (24/7): -1-800-922-5431

Sally Krebs at Town of Hilton Head Island -843-341-4690

Amber Kuehn at Coastal Discovery Museum -843-338-2716

Beach Patrol -843-785-3494

To report light violations contact a Hilton Head Island Code Enforcement Officer: -843-341-4642

To learn more about the Loggerhead sea turtle visit: [www.dnr.sc.gov/seaturtle](http://www.dnr.sc.gov/seaturtle)  
[www.seaturtle.org](http://www.seaturtle.org)

## Sponsored By:



The Town of Hilton Head Island  
One Town Center Court  
Hilton Head Island, SC 29928  
[www.hiltonheadislandsc.gov](http://www.hiltonheadislandsc.gov)  
(843) 341-4600



Coastal Discovery Museum  
70 Honey Horn Drive  
Hilton Head Island, SC 29926  
[www.coastaldiscovery.org](http://www.coastaldiscovery.org)  
(843) 689-6767

# THE LOGGERHEAD SEA TURTLE

An amazing thing happens every summer on Hilton Head Island's beaches. An ancient mariner, the loggerhead sea turtle, emerges from the shimmering water of the Atlantic, and crawls ashore to lay her eggs in a sandy nest.

It may take her over an hour to excavate a perfect nest with her rear flippers. Then the mother turtle, weighing several hundred pounds, deposits approximately 120 ping-pong sized eggs into the nest, covers them with sand and returns to the sea.

After about 60 days tiny hatchlings emerge from the sand and scramble to the ocean to begin a long, dangerous journey.



# All About Loggerheads

## What is a loggerhead sea turtle?

The loggerhead sea turtle (*Caretta caretta*), like all sea turtles, is a reptile and is related to land turtles, lizards, and snakes. Adapted to live in the ocean, loggerheads have powerful flippers instead of legs and a hydrodynamic body and shell which enables them to move elegantly through the sea. Loggerhead turtles are a federally threatened species.

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## What does the loggerhead look like?

The loggerhead has a massive skull and a body weighing 250-400 pounds and reaching up to 4 feet long! Like all sea turtles, loggerheads have front and rear paddle-like flippers that provide propulsion through the ocean. The upper shell of the loggerhead, called the carapace, is usually a reddish brown color, and the lower shell, called the plastron, is dull brown to yellow. The two shells are composed of horny plates called scutes.

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## Where do loggerheads live?

Loggerheads can be found in temperate and subtropical waters throughout most of the world. Adults usually stay close to shore, while juveniles float in the open ocean. Loggerheads prefer to feed in coastal bays and estuaries or in the shallow water along the continental shelves of the Atlantic ocean. Loggerheads live exclusively in the water, and the females only come on land to lay eggs (males typically don't come ashore).

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## What do loggerheads eat?

Loggerhead sea turtles are primarily carnivorous and feed mostly on shellfish that live on the bottom of the ocean. They have powerful jaw muscles and strong beak-like jaws which they use to eat hard shelled animals such as horseshoe crabs, whelks, and clams.

## What about nesting?

Loggerhead sea turtles nest on the beaches of Hilton Head Island and other southeast beaches between May and August. An adult female will nest every two to four years, coming to shore up to 6 times per season to lay eggs. Nesting typically occurs at night - the female crawls slowly to a dry part of the beach and begins to excavate a pit with her rear flippers. Once the cavity has been dug, she deposits an average of 120 eggs. She then covers the egg cavity and throws sand over the nest to disguise it from predators. When the work is done, the female slowly returns to the sea.

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## What about the hatchlings?

About 60 days after the female lays her eggs, the small turtles begin to hatch. They use a sharp tooth to break open the shell. All of the hatchlings join together to dig out of the nest, a job that can take several days. During the cool night, the 2 inch long hatchlings emerge from their sandy nest and scramble toward the sea. It is during this run to the sea that many hatchlings fall prey to waiting predators. Once in the water, hatchlings swim several miles

off shore where they catch ocean currents. The hatchlings stay in the open water for several years before returning to nearshore waters. It will take these turtles about 30 years before they can reproduce.

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## Why are loggerheads threatened?

The life of a loggerhead sea turtle is difficult. It is estimated that only 1 out of ten thousand hatchlings survives to adulthood. There are many reasons for this, some natural, some man-made. Each year thousands of turtles become entangled and drown in fishing nets. Thousands of turtles are killed each year when they mistakenly eat trash and debris. By following some of the guidelines in this brochure, we can help ensure that the loggerhead sea turtle remains an integral part of the ecology of Hilton Head Island.



Sporting sand on her back,  
a female returns to the sea after nesting



## Town of Hilton Head Island



### Sea Turtle Protection Ordinance Notice

*Sea Turtle nesting season* begins **May 1st** and ends **October 31st** each year.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island after 10:00 p.m.

**Please take the following measures to ensure compliance with the Town Code.**

- Close interior blinds or turn off interior lights facing the ocean by 10 p.m.
- Disable or shield exterior lights visible from the beach.
- Disable floodlights visible from the beach from May 1 - October 31.
- Ensure pool lights do not reflect and cast light onto the beach after 10 p.m.
- Turn off dune walkover lights by 10 p.m. unless using turtle friendly bulbs.

Please contact the Code Enforcement Office at  
(843) 341-4642 or (843) 341-4643  
should you have any questions.

# WELCOME TO OUR BEACH

ENJOY YOUR VISIT AND PLEASE  
FOLLOW OUR BEACH RULES

## FOR YOUR INFORMATION

- Lifeguards provided seasonally at various locations
- Check with lifeguards for water conditions
- Use caution - strong currents, jellyfish, stingrays, etc. may be present
- Numbered markers placed about every 1/10 mile to identify location
- Motorized wheelchairs & scooters for physically impaired are allowed
- Recycling and trash bins placed at various locations

## DESIGNATED SWIM AREAS

- At Alder Lane, Coligny, Driessen, Folly Field, and Islanders Parks (Markers 52A, 59A, 102, 105, & 110)
- Restrooms and beach matting for easy access over soft sand
- Not allowed from sunrise to sunset, April through September: Fishing, surf casting, surfboards, frisbees, use of balls or horseshoe games, stunt kites

## NOT ALLOWED ON BEACH, DUNES, OR ADJACENT WATERS

- Possession or consumption of alcohol
- Littering (items left overnight will be removed)
- Glassware
- Shark fishing
- Harming or removing live fauna (sea turtles, birds, or their eggs; sand dollars, starfish, etc.)
- Damaging dunes, sea oats, or other flora
- Unauthorized motor vehicles
- Operation of motorized watercraft
- Unauthorized commercial activity, solicitation, or distribution of handouts
- Unauthorized wearing of lifeguard emblems
- Fireworks and fires
- Stunt kites or wind powered vehicles between 10:00 am and 6:00 pm from April through September
- Sleeping on the beach midnight to 6:00 am
- Nudity
- Storage of boats on beach without a permit

## ANIMAL VISITING HOURS

October through March	Anytime	On leash or under voice control
April through the Thursday before Memorial Day	10AM - 5PM 5PM -10AM	On leash On leash or under voice control
Friday before Memorial Day through Labor Day	10AM - 5PM 5PM -10AM	Not allowed On leash or under voice control
Tuesday after Labor Day through September	10AM - 5PM 5PM -10AM	On leash On leash or under voice control

Animal excrement must be removed from beach.  
Disposal bags for animal excrement located at many beach rule signs.

May 1 to Oct 31 is Sea Turtle season.  
Please respect their habitats and  
Lights Out after 10:00 pm.

# **MEMORANDUM**

**TO:** Town Council

**FROM:** Public Safety Committee

**RE:** Request by Beaufort County for the Town to Adopt the New Beaufort County Animal Control Ordinance and enter an Agreement to Allow Beaufort County to Enforce the Ordinance Within Town Limits.

**DATE:** December 8, 2015

**CC:** Stephen G. Riley, ICMA-CM, Town Manager  
Gregory D. DeLoach, Esq., Assistant Town Manager for Administration

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The Public Safety Committee recommended 2-0 at their meeting on December 7 that Town repeal their current Animal Control Ordinance in Title 17, Chapter 1; that the Town adopt by reference the Beaufort County Animal Control Ordinance in County Ordinance Chapter 14 Article II, and that the Town enter into an intergovernmental agreement with Beaufort County for animal services. A copy of the proposed ordinance, proposed intergovernmental agreement, and Beaufort County Ordinance are attached.

**Recommendation:** Staff has no recommendation regarding this request.

**Summary:** A request has been made by Beaufort County for the Town Council to adopt the new County Animal Control Ordinance, by reference, and enter into an intergovernmental agreement which would allow the County to enforce the ordinance within Town limits. Currently, the County ordinance is only enforceable in the unincorporated areas of the County. In order for a County Ordinance to be enforceable within a municipality, the municipality would have to either adopt the ordinance, or enter into an agreement with the County for the ordinance to be in effect within the Town. The County would like for all Beaufort County municipalities to repeal their current animal control ordinance, adopt the County ordinance, and enter into an intergovernmental agreement in order for there to be a uniform animal control ordinance throughout the County. Beaufort County presented its proposal to the Public Safety Committee and will to Town Council.

**Background:**

The Town has a current animal control ordinance in Chapter 1 of Title 17. Additionally, the Town addresses dogs and other animals on the beach under Chapter 1 of Title 8. The County ordinance would be a more comprehensive ordinance than the Town currently has in place. For instance the County ordinance requires dogs have an annual license unless they have a chip implanted or permanent tattoo placed on the dog. The County classifies pitbull dogs as a restricted species and applies special rules to ownership of these dogs, such as requiring spaying or neutering for all pitbulls unless they meet a listed exception.

The County did include a section in their recent ordinance amendments to parallel the Town's current rules regarding dogs on the beach. The County ordinance now allows dogs to be on the beach without a leash if under positive voice control for the same dates and times as in the Town's ordinance. In other word, **there are no changes to how the Town currently regulates animals on the beach.**

**AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND**

**ORDINANCE NO. 2016-**

**PROPOSED ORDINANCE NO. 2016- 02**

**AN ORDINANCE TO REPEAL CHAPTER 1 OF TITLE 17 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND TO REENACT A NEW CHAPTER 1 OF TITLE 17, ADOPTION BY REFERENCE OF BEAUFORT COUNTY ORDINANCE CHAPTER 14, ARTICLE II ANIMAL CONTROL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 85-10, Chapter 1 of Title 17 entitled “Animals” on May 20, 1985; and

**WHEREAS**, the Town Council now desires to repeal Chapter 1 of Title 17 and adopting by reference Beaufort County Ordinance Chapter 14, Article II titled “Animal Control” for the purpose of providing for the health, safety, and general welfare of the residents and visitors of the Town; and

**WHEREAS**, the Town Council of the Town of Hilton Head Island, South Carolina and Beaufort County desire to have a consistent animal control ordinance throughout Beaufort County in order to better ensure the health, safety, and general welfare of the residents and visitors of the Town and Beaufort County; and

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS HEREBY ORDERED ORDAINED BY AND UNDER THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:**

**NOTE:** **Underlined and bold-face typed** portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

**Section 1.     Amendment.**

- A. That Chapter 1 of Title 17 (Animals) of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby repealed.
- B. A new Chapter 1 of Title 17, Beaufort County Ordinance Chapter 14, Article II (Animal Control) of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby adopted by reference. A copy of the code is hereby made a part of this chapter as fully and completely as if the same were set out herein verbatim. A copy of the code is on file in the office of the municipal clerk. See Attachment “A” for language of new ordinance.

**Section 2. Severability.** If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall be effective immediately upon its adoption by the Town Council of the Town of Hilton Head Island, South Carolina.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF  
HILTON HEAD ISLAND ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

\_\_\_\_\_  
**David Bennett, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Victoria L. Pfannenschmidt, Town Clerk**

**First Reading:**

**Second Reading:**

**Approved as to form:** \_\_\_\_\_  
**Gregory M. Alford, Town Attorney**

**Introduced by Council Member:** \_\_\_\_\_

## Attachment “A”

ORDINANCE 2015 / 27

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND  
SECTION CHAPTER 14 OF THE BEAUFORT COUNTY CODE OF LAWS REVISING  
BEAUFORT COUNTY ANIMAL CONTROL

WHEREAS, Beaufort County Code Chapter 14, Article II, Section 14.26 – 14.37 shall be deleted and Standards included within this ordinance shall be added text; and

WHEREAS, the County Council of Beaufort County adopted the current Animal Control Ordinance in 2010; and

WHEREAS, the County Council of Beaufort County deems it appropriate to modify the Animal Control Ordinance to better address the health and safety of Beaufort County Citizens.

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, the Beaufort County Code of Laws Section 14.26 et. seq., is hereby amended to read as follows:

**ARTICLE II. ANIMAL CONTROL**

**Sec. 14.26 Authority for and Enactment of Chapter.**

**Sec. 14.27 Definitions.**

**Sec. 14.28 County Pet License; Rabies Vaccination Tags.**

**Sec. 14.29 Lifetime/Annual Pet License Issuance and Fees and Exemptions.**

**Sec 14.30 Declaration of Restricted Dog, Appeal of Breed Determination**

**Sec. 14.31 Pet Breeder License, Inspections and Fees.**

**Sec. 14.32 Dangerous Animals.**

**Sec. 14.33 Running at Large.**

**Sec. 14.34 Nuisance Pets or Livestock.**

**Sec. 14.35 Animal Cruelty.**

**Sec. 14.36 Sale of Animals, Pets, or Livestock.**

**Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.**

**Sec. 14.38 Impoundment.**

**Sec. 14.39 Redemption.**

**Sec. 14.40 Adoption.**

**Sec. 14.41 Trapping.**

**Sec. 14.42 Management of Feral Cat Colonies.**

**Sec. 14.43 Livestock.**

**Sec. 14.44 Importation of Exotic Animals Prohibited**

**Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10).**

**Sec. 14.46 Interference with Animal Services Officers.**

**Sec. 14.47 Enforcement and Penalties.**

**Sec. 14.26 Authority for and Enactment of chapter.**

This article is hereby authorized by Section 47-3-20 of the South Carolina Code of Laws 1976, as amended.

**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.

***Animal Services Officer*** shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

***Animal Services Facility*** means any facility so designated by the county council.

***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.

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

**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.

**Dub** to trim or remove.

**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.

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

**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.

**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.

**Owner** shall mean any person who:

1. Has a property right in an animal;
2. Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
3. Permits an animal to remain on or about any premises occupied by him or her for three or more days.

**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*).

***Pitbull*** shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Stafford Bull Terrier, 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.

***Shelter*** shall mean a structure that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

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

***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.

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

***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.

#### **Sec. 14.28 County Pet License; Rabies Vaccination Tags.**

It shall be unlawful for the owner of any pet to fail to provide any pet over four (4) months of age with a current county annual or lifetime license. The owner of any pet over four (4) 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 inoculation is

shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

**Sec. 14.29 Lifetime/Annual Pet License Issuance, Fees and Exemptions.**

- A. *Eligibility.* The owner of a pet four (4) months of age or older that is spayed/neutered and permanently identified may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.
- B. *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo 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, permanent identification form, and new registration with the micro-chipping company.
- 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:
  - 1. Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
  - 2. Have a licensed veterinarian scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
  - 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.
- D. *County License Fees.* The county license schedule of fees are as follows:

1. Pets previously sterilized and with permanent identification shall be a one-time fee of five dollars (\$5).
  2. Pets previously sterilized and provided with permanent identification by BCAS shall be charged a one-time microchip fee and five dollars (\$5) license fee.
  3. Fertile pets with a permanent identification shall be twenty dollars (\$20) annually. Fertile pet licenses will expire on June 30<sup>th</sup> of each year and are non-transferable.
  4. Fertile pets with no permanent identification shall be fifty dollars (\$50) annually and will be issued a metal tag to be worn at all times Fertile pet licenses will expire on June 30<sup>th</sup> of each year and are non-transferable.
- E. *Exemptions.* Exempt owners shall be required to pay a one-time microchip fee and will not be required to have the pet spayed/neutered. The following are exempt owners:
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.
  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 twelve months.
  3. 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.
  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.

#### **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.
- B. No person may own, keep, or harbor a restricted dog in violation of this section.

- 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 (4) 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 twelve (12) months from the date of issuance.
  3. The determination of the dog's breed is under appeal pursuant to section 14.30(D)(2);
  4. The owner or custodian has owned or had custody of the dog less than thirty (30) days.
- D. Determination of Breed and Appeal of Determination:
1. Determination. The director of BCAS or his designee, in his or her discretion, make a 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 pitbulls 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, and notice of appeal process.
  3. The owner or custodian of an unaltered restricted dog shall comply with this ordinance within thirty (30) days after receipt of notice of breed 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. 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 (10) days of service of the notice

**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 pet license for all pets that have reached the age of four (4) months before applying for the pet breeder license.
- C. BCAS shall conduct an inspection of the identified property for the pet breed 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 (5) years of the date of application.
- F. The pet breeder license fee shall be one-hundred (\$100) dollars annually. The license shall expire on June 30<sup>th</sup> of each year.
- 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.

### **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.

B. Declaration of a Dangerous Animal, Confinement Requirements, and Final Determination of Dangerous Animal Declaration:

1. Declaration. An animal services officer or law enforcement officer, in his or her discretion, may declare an animal dangerous. Upon 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.
2. 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:
  - 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.

- b. The pen or kennel must be clearly marked as containing a dangerous animal.
- 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.
- d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.
- e. The owner must obtain a Dangerous animal registration/license from BCAS and pay a \$5 registration fee.

- 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 thirty (30) days or as soon as practicable.

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

### **Sec. 14.33 Running at Large.**

- A. It shall be unlawful for any owner or custodian of any pet to permit the same to run at large except on property owned or rented by the owner or custodian. All pets must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other similar restraining device.
- 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 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th. 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 1st through

September 30th. 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 1st through March 31st.

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.

From April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th 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.

- 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."

#### **Sec. 14.34 Nuisance Pets or Livestock.**

- 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.
- 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:
  - 1. Failure to exercise sufficient restraint necessary to control a pet or livestock as required by Section 14.33.
  - 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.
  - 3. Failure to maintain a dangerous animal in a manner other than that which is described in Section 14.32.
  - 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.

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.
  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.
  7. Maintaining a pet or livestock that is diseased and dangerous to the public health.
  8. Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.
  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.
- 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.

#### **Sec. 14.35 Animal Cruelty.**

- 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.
- 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.
- D. *Abandonment.* It shall be unlawful for any owner to abandon an animal.

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. 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. No chain or tether shall weigh more than 1/8 of the dog's body weight. 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 6 months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of eighteen (18) years old.

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:

- a. inside a pen or secure enclosure; or
- 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
- 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

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 for the safety of the dog.

#### **Sec. 14.36 Sale of Animals, Pets or Livestock.**

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.
- C. No person shall sell, offer for sale, or give away any animal or pet under five (5) weeks of age, except as surrender to the county animal services facility or to a licensed pet rescue organization.
- D. Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.
- 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.

**Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.**

- 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.
- 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 (5) 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.
- 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.

- D. Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

#### **Sec. 14.38 Impoundment**

- 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 (5) 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.
- 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 fourteen (14) 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 fourteen (14) 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).
- 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 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.
- 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.

### **Sec. 14.39 Redemption.**

- 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:
1. For a pet or livestock that has been properly inoculated, licensed, microchipped, and neutered or spayed, at the BCAS Director of Animal Services or his/her designee, may issue a warning for the first offense at their discretion and investigation of circumstances. First offense fee is fifty (\$50) dollars, second offense is one hundred and fifty (\$150.00) dollars, third offense and any subsequent offense is two hundred and fifty (\$250.00) dollars.
  2. For a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered the fee shall be fifty (\$50) dollars plus the appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock as appropriate.
  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.
  4. 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 (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.
- B. In addition to the redemption fee, a boarding fee after twenty four (24) hours of twenty five (\$25) dollars per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.
- 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.

#### **Sec. 14.40 Adoption.**

- 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.
- 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.
- 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.
- 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 ninety (90) days 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 ninety (90) days from the date of the original surrender.

#### **Sec. 14.41 Trapping.**

- 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.

#### **Sec. 14.42 Management of Feral Cat Colonies.**

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.

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

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

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

**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.

**Nuisance** means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction of property against the wishes of the owner of the property.

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

**TNR** means trap, neuter/spay and release.

**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.

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.

#### **Sec. 14.43 Livestock.**

- 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.
- C. Impounded livestock shall be held for a period of 21 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.
- D. Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal & 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.

#### **Sec. 14.44 Importation of Exotic Animals Prohibited**

- 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 *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 to 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.

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.

C. Exceptions. This ordinance shall not apply to following entities:

- a. 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.)
- b. An entity properly accredited by the Association of Zoos & Aquariums or the Zoological Association of America
- c. 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 7 days within a 52 week period
- d. A team mascot for a university or educational facility.

#### **Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10)**

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.

**Sec. 14.46 Interference with Animal Services Officers.**

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.

**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 five hundred dollars (\$500) or imprisonment not exceeding thirty (30) days, or both.

Adopted this 12<sup>th</sup> day of October, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Keaveny, II, County Attorney

First Reading: September 14, 2015  
Second Reading: September 28, 2015  
Public Hearing: October 12, 2015  
Third and Final Reading: October 12, 2015

STATE OF SOUTH CAROLINA	)	INTERGOVERNMENTAL SERVICES
	)	AGREEMENT – BEAUFORT COUNTY
COUNTY OF BEAUFORT	)	ANIMAL SERVICES AND
	)	MUNICIPALITY

This Intergovernmental Agreement is entered into by and between Beaufort County (hereinafter “County”) and the Town of Hilton Head Island (hereinafter “Town”) this \_\_\_\_ day of \_\_\_\_\_, 2016, for the purposes of providing Animal Control Services within the municipal boundaries of the Town of Hilton Head Island.

WHEREAS, a County ordinance may be enforceable within the corporate limits of a municipality pursuant to Article VIII, Sec.13 of the South Carolina Constitution which states: [a]ny county, incorporated municipality or other political subdivision may agree with the State or with any political subdivision for the joining administration of any function and exercise of powers and the sharing of costs thereof; and

WHEREAS, S.C. Code Ann. §4-9-40 permits a county to “perform any of its functions, furnish any of its services within the corporate limits of any municipality, situated within the county, by contract with any individual, corporation or municipal governing body, subject always to the general law and the Constitution of this State regarding such matters;

WHEREAS, on October 12, 2015 Beaufort County adopted the Beaufort County Animal Control Ordinance; and

WHEREAS, on \_\_\_\_\_, \_\_\_\_\_ the Town adopted the Beaufort County Animal Control Ordinance by reference; and

WHEREAS, the Town and County desire to enter into this Agreement to memorialize an arrangement whereby the County will provide animal control services including the enforcement and prosecution of animal control ordinance violations within both the unincorporated areas of Beaufort County and the Town; and

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Town and County do hereby agree as follows:

1. Obligations:

- a. Town’s Obligations: The Town shall adopt the Beaufort County Animal Control Ordinance by reference.
- b. County’s Obligations: The County shall be obligated to, upon the effective date of this Agreement provide Animal Control Services within the municipality. The County shall present code violations before and Beaufort County magistrate judge with one date per month north of the Board and one date south of the Broad.

2. Notices: All notices, certificates or other communications required hereunder shall be sufficiently given and shall be deemed received when delivered in person, or mailed by certified mail, return receipt requested postage prepaid, and addressed as follows, or to such other addresses as may be designated in writing, by the Parties:

To the County:           Beaufort County, South Carolina  
                                  Attn: County Administrator  
                                  P.O. Drawer 1228  
                                  Beaufort, SC 29902

To the Town:             Hilton Head Island, South Carolina  
                                  Attn: Town Manager  
                                  One Town Center Court  
                                  Hilton Head Island, SC 29928

3. General Provisions:

- a. In the event that any agreement contained herein should be breached by either party and thereafter waived by either party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.
- b. Except as otherwise provided herein, this Agreement may not be amended, changed, modified or altered without the prior written consent of both Parties hereto.
- c. In the event that any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.
- d. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- e. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.
- f. The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provision or sections of this Agreement.
- g. The Parties hereto intend only to provide for the provision of the services described in Paragraph 1 above as provided herein and affirmatively state that no master-servant, principal-agent, employer-employee relationship is created by this Agreement. No employee, volunteer, contractor, agent, or subagent, shall be considered an employee or agent of the other party for any purpose whatsoever, and none shall have any status, right or benefit of employment with the other.

- h. The Parties hereto affirmatively represent that this Agreement is made solely for the benefit of the County and the Town and is not for the benefit of any third party who is not a signature party hereto. No party other than the signature parties hereto shall have any enforceable rights hereunder, or have any right to the enforcement hereof, or any claim for damages as a result of any alleged breach hereof.

In Witness whereof, the Parties have set their hands and seals to this Intergovernmental Services Agreement for the Town and Beaufort County.

WITNESSES:

BEAUFORT COUNTY, SOUTH CAROLINA

\_\_\_\_\_

By: \_\_\_\_\_  
Gary Kubic, County Administrator

\_\_\_\_\_

WITNESSES:

TOWN OF HILTON HEAD ISLAND

\_\_\_\_\_

By: \_\_\_\_\_  
Stephen G. Riley, ICMA-CM Town Manager

\_\_\_\_\_

## Town of Hilton Head Island Animal Ordinances

### Title 17, Chapter 1 - ANIMALS

#### Sec. 17-1-111. - Animals; nuisance.

It shall be unlawful to keep animals or fowl in any area where they create an odor, unsanitary condition, or otherwise create a nuisance.

(Ord. No. 85-10, § 1, 5-20-85)

#### Sec. 17-1-112. - Cruelty to animals.

It shall be unlawful for any person to inflict unnecessary pain or suffering upon any animal, or to ride, drive or work it when sick or unfit for work, or to override, overwork, overload, ride when overworked, torture, torment, or to beat or whip cruelly any animal.

(Ord. No. 85-10, § 1, 5-20-85)

#### Sec. 17-1-113. - Rabies inoculation required.

It shall be unlawful for any person to own, harbor, maintain or have in possession within the town any dog or cat unless that dog or cat has been inoculated against rabies within the preceding twelve (12) months by a licensed veterinarian or other person authorized to administer the vaccine. Such person shall produce proof of such inoculation when requested by any appropriate authority. Provided, however, this section shall not apply to dogs or cats less than four (4) months old.

(Ord. No. 85-10, § 1, 5-20-85)

#### Sec. 17-1-114. - Running at large prohibited; leash required; animals on streets and public places.

- (a) It shall be unlawful for any person owning any dog or any other animal or having the control of any dog or any other animal to permit such animal to be on the street or any other public place in the town, except beaches, when such animal is not at all times on a leash.
- (b) From Friday of Memorial Day weekend through the Monday of Labor Day weekend of each year, dogs or any other animal shall not be allowed on the beach between 10:00 a.m. and 5:00 p.m. nor in any designated swimming area at any hour.
- (c) Dog owners or handlers may allow their dogs to be without a leash within the fenced areas of a designated public dog park; provided, however, that:
  - (1) Dogs must remain leashed when entering or leaving the park area and when within the fenced lobby area. The lobby entrance gate and inner gate to the dog park must be closed immediately after entering the lobby or dog park area;
  - (2) No dog owner or handler shall allow any dog that is not under positive voice control or supervision to be unleashed within the fenced area of any public dog park;
  - (3) No dog owner or handler shall permit his dog, whether leashed or unleashed, to attack, bite, molest, leap or jump upon or otherwise harass, harm or annoy any other person or dog within the fenced area of any public dog park. Any dog exhibiting any such behavior shall be immediately removed from the dog park by its owner or handler;

- (4) No dog owner or handler shall bring any dog that is known to such person to have previously attacked, bitten, molested or harmed any other person or animal into any public dog park;
  - (5) No dog owner or handler shall bring any dog younger than four (4) months into any dog park;
  - (6) No dog owner or handler shall bring any female dogs "in heat" into any dog park;
  - (7) No dog owner or handler shall bring any dog that is not legally licensed, and which has not had all required vaccinations into any dog park;
  - (8) No dog owners or handlers shall permit their dog to dig within any dog park. Dog owners and handlers shall fill any holes dug by their dog;
  - (9) No dog owner or handler shall leave an unattended dog within any dog park. Unattended dogs shall be considered abandoned;
  - (10) No more than two (2) dogs per dog owner or handler are permitted in any dog park at any one (1) time;
  - (11) Dog owners and handlers shall clean up and remove any droppings left by their dog within any dog park and elsewhere;
  - (12) Children under the age of twelve (12) are not permitted in any dog park, unless accompanied by a parent or guardian;
  - (13) Professional dog trainers shall not utilize any dog park for the conduct of their business; and
  - (14) No person shall allow any other animal except a dog to be within the fenced area of a designated public dog park.
- (d) No person shall permit any excrement from any animal under that person's control to remain on the beach, the street, dog park, any other public place or the private property of another, but shall dispose of same in a sanitary manner.
  - (e) Any violation of these provisions shall result in the owner of the animal being charged with a misdemeanor and may result in the animal being seized by the appropriate animal control officer or law enforcement officer.

(Ord. No. 85-10, § 1, 5-20-85; Ord. No. 88-17, § 1, 8-15-88; Ord. No. 02-32, § 1, 9-17-02)

**Cross reference**— Animals on beaches, § 8-1-211.

Sec. 17-1-115. - Barking dogs.

It shall be unlawful for any person to allow any dog or cat to bark or meow to such an extent as to interfere materially with or affect the health, comfort, peace, or quiet of any other person.

(Ord. No. 85-10, § 1, 5-20-85)

Sec. 17-1-116. - Animals to be licensed.

Dogs must be licensed yearly as required under county regulation.

(Ord. No. 85-10, § 1, 5-20-85)

- **TITLE 8 - BEACHES, WATERWAYS AND RECREATIONAL AREAS**

- **Chapter 1 - BEACHES**[u](#)

- **ARTICLE 2. - PROHIBITED AND REGULATED ACTIVITIES**

- **PART A. - GENERAL BEACH PROHIBITIONS**

Sec. 8-1-211. - Unlawful activities enumerated.

- (8) **Animals.** 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 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th. 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 1st through September 30th. 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 1st through March 31st. Any violation of the provisions hereof may result in the owner of the animal being charged with a misdemeanor and the animal being seized by the appropriate animal control officer or law enforcement officer.

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.

From April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th 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.

- (9) **Horses on the beach.** The riding or driving of horses on the beach except that an annual marsh tacky race, sponsored by the Native Island Business and Community Affairs Association or the Coastal Discovery Museum, is permitted to be conducted on the beach.



# **TOWN OF HILTON HEAD ISLAND**

## *Community Development Department*

**TO:** Stephen G. Riley ICMA~ CM, *Town Manager*  
**VIA:** Charles Cousins, AICP, *Community Development Director*  
**VIA:** Shawn Colin, AICP, *Deputy Director of Community Development*  
**FROM:** Jayme Lopko, AICP, *Senior Planner*  
**DATE:** December 18, 2015  
**SUBJECT:** Public Art Agreement

**Recommendation:** Staff recommends that Town Council adopt a resolution authorizing the Mayor to execute and deliver a gift agreement with the Community Foundation of the Lowcountry (CFL) for the acquisition of the “THEB-Tally” sculpture.

**Summary:** The Public Art Committee of the CFL held the Public Art Exhibition at Honey Horn from October 1, 2015 through December 31, 2015. In addition to the juried piece, a second sculpture from this exhibition was donated to the CFL for inclusion into the Town’s Public Art Program. “THEB-Tally” blends the traditional classifications of art, craft, and design in an aesthetic exploration intended to be serious, playful, introspective, contemplative, and exaggerated. The Public Art Committee has selected the Town-owned marshfront parcel in the Stoney area, previously approved by Town Council as a site for art placement, as the desired location for this piece.

**Background:** The Community Foundation of the Lowcountry created a Public Art Fund for the purpose of funding and acquiring public art and outdoor sculpture to be placed in the public realm on Hilton Head Island.

Every two years a Public Art Exhibition is held and a piece of artwork is selected to be purchased and donated to the Town. However, this request is to donate a piece of artwork from the 2015 Public Art Exhibition to the Town’s collection in addition to the piece selected as the juried winner by the Public Art Fund Committee. This piece called “THEB-Tally” was donated to the Public Art Fund Committee during the Exhibition and the committee has recommended it be donated into the Town’s collection and placed on the Town-owned marshfront parcel in the Stoney area. The juried piece, called “Setting Sun”, purchased by the Committee for donation to the Town will be brought forward at a later date as its recommended location is at the new Coligny Park, which has not yet been completed. Currently Coligny Park is not an approved site for public art placement; however, the Public Art Committee has requested that it be added as an approved site. This request will go the Public Facilities Committee at their January 25<sup>th</sup> meeting for consideration.

There have been seven sites previously approved by Town Council for art placement, three in September of 2010, two in September of 2012, one in 2014 with the approval of the park improvement plan for Shelter Cove Community Park, and one in April of 2015.

- Site A: Former Welcome Center site on US 278
- Site B: Jarvis Creek Park Lake

- Site C: Town-owned parcels in the Chaplin Community (on west side of US 278 past Sherwin Williams store and before the old Cracker Barrel Site)
- Site D: Former Rock's Location
- Site E: Town-owned Marshfront Parcel in Stoney Area
- Site F: Shelter Cove Community Park
- Site G: Veterans Memorial at Shelter Cove Community Park

Through correspondence between the Town and the CFL, the Town confirmed its intent to accept future pieces of art. This included not only those selected as the juried winner of the biannual Public Art Exhibition but other pieces donated and recommended for inclusion into the Town's Public Art inventory by the Public Art Fund Committee. As each piece is recommended for inclusion into the Town's Public Art Collection, the Town would issue specific agreements for each donated piece that outlines the delivery, installation, maintenance, insurance, and other details of the Town's acceptance of the piece.

The donated piece is recommended for placement on the Town-owned marshfront parcel in the Stoney area. The exact location within the property will be determined by the Town in conjunction with the artist and the CFL.

Town Council adopted the Fiscal Year 2016 budget, including the Capital Improvement Program (CIP), which included funding for the installation and maintenance of public art.

Execution of the Foundation's attached Gift Agreement does hereby donate the artwork to the Town of Hilton Head Island and its citizens.

**A RESOLUTION OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AUTHORIZING THE EXECUTION OF A GIFT AGREEMENT WITH THE COMMUNITY FOUNDATION OF THE LOWCOUNTRY FOR THE ACQUISITION OF THE “THEB-TALLY” SCULPTURE.**

**WHEREAS**, the Community Foundation of the Lowcountry (hereinafter called “Foundation”) created a Public Art Fund for the purpose of funding and acquiring public art and outdoor sculpture to be placed in the public realm on Hilton Head Island (hereinafter called (“Town”), and;

**WHEREAS**, the Town acknowledges the value of public art and has committed to support art in the public realm, and;

**WHEREAS**, on June 10, 2014, the Town approved funding for the Foundation’s 2015 Public Art Exhibition, and;

**WHEREAS**, on September 18, 2012, the Town Council approved two additional locations for placement of public art, including the town-owned land referred to as the Town owned Marshfront Parcel in Stoney Area, and;

**WHEREAS**, the Foundation held a Public Art Exhibition from October 1, 2015 through December 31, 2015 in order to raise awareness of public art, and;

**WHEREAS**, “THEB-Tally” was donated to the Foundation’s Public Art Committee for inclusion in the Town’s Public Art Program, and;

**WHEREAS**, the Fiscal Year 2016 budget was adopted including the Capital Improvement Program, where money for the cost of the installation and maintenance of public art was identified;

**NOW, THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, THAT:**

1. The Mayor and Town Manager are hereby authorized to execute and deliver a gift agreement with the Community Foundation of the Lowcountry for the acquisition of the “THEB-Tally” sculpture, a copy of which is attached hereto.
2. The Mayor and Town Manager are hereby authorized to take such other and further actions as may be necessary to complete the actions authorized hereby.

**MOVED, APPROVED, AND ADOPTED BY TOWN COUNCIL THIS \_\_\_\_  
DAY OF \_\_\_\_\_, 2016.**

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**David Bennett, Mayor**

**Attest:**

**By: \_\_\_\_\_  
Victoria L. Pfannenschmidt, Town Clerk**

**APPROVED AS TO FORM:**

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**Gregory M. Alford, Town Attorney**

**Introduced by Council Member: \_\_\_\_\_**

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- 3. Delivery and Installation of the Artwork.** Upon final acceptance of the Artwork by the Foundation, the Foundation shall cause the Artwork to be delivered to the installation location at the Town-owned Marshfront Parcel in the Stoney Area, as described in Exhibit C to this Agreement. The Town shall be responsible for all costs of installation. The Town, at its own expense, shall undertake adequate site preparation,

including construction of a suitable base for the Artwork prior to delivery and installation.

**4. Maintenance, Repairs, and Restoration.** The Town will not intentionally destroy, damage, alter, modify, or change the Artwork in any material way. The Town shall be responsible for the periodic maintenance of the Artwork. The periodic maintenance shall include the cleaning of the Artwork, as described in Exhibit B, and otherwise keeping the Artwork in good condition and repair.

**5. Insurance.** The Town shall be responsible for maintaining property insurance on the full value of the Artwork. The Town and the Foundation agree that the current value of the Artwork is Twelve Thousand dollars (\$12,000.00). In the event of loss or damage, the insurance proceeds shall be used to repair, restore, or replace the Artwork. If after such loss or damage the Town determines that the loss or damage is so material and substantial as to require abandonment of the Artwork rather than repair, restoration, or replacement, then the insurance proceeds shall be paid to the Foundation, less any costs paid by the Town for prior maintenance, repairs, restoration and the cost of insurance of the Artwork.

**6. Right of Repurchase.** In the event the Town determines that it is unable or unwilling to continue to maintain, repair, or restore the Artwork, or if the Town decides to no longer publicly display the Artwork, the Town shall offer the Foundation the right to repurchase the Artwork for the sum of One dollar (\$1.00).

**7. Miscellaneous.**

(a) This Agreement constitutes the entire understanding between the parties. Its terms may be amended only by an instrument in writing signed by both parties.

(b) It is intended that each paragraph and subparagraph of this Agreement shall be viewed as separate and divisible; and in the event that any paragraph or subparagraph shall be held to be invalid or unenforceable, the remaining paragraphs and subparagraphs shall continue to be in full force and effect.

(c) This Agreement constitutes an enforceable legal obligation and is binding upon, and shall inure to the benefit of, the parties to it and their respective legal representatives, successors and assigns.

(d) This Agreement shall be construed in accordance with, and shall be governed by, the laws of the State of South Carolina.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures hereto the date first written hereinabove.

**WITNESSES:**

**COMMUNITY FOUNDATION OF THE  
LOWCOUNTRY, INC.**

\_\_\_\_\_

**By:** \_\_\_\_\_

\_\_\_\_\_

**Its:** \_\_\_\_\_

**WITNESSES:**

**TOWN OF HILTON HEAD ISLAND**

\_\_\_\_\_

**By:** \_\_\_\_\_  
**David Bennett**

\_\_\_\_\_

**Its: Mayor**

**EXHIBIT A**

**REQUEST FOR PUBLIC ART ACCEPTANCE**

4 Northridge Drive, Suite A • Post Office Box 23019 • Hilton Head Island, SC 29925  
P: 843.681.9100 • F: 843.681.9101 • cf-lowcountry.org

December 9, 2015

The Honorable David Bennett  
Mayor, Town of Hilton Head Island  
One Town Center Court  
Hilton Head Island, SC 29928

RECEIVED

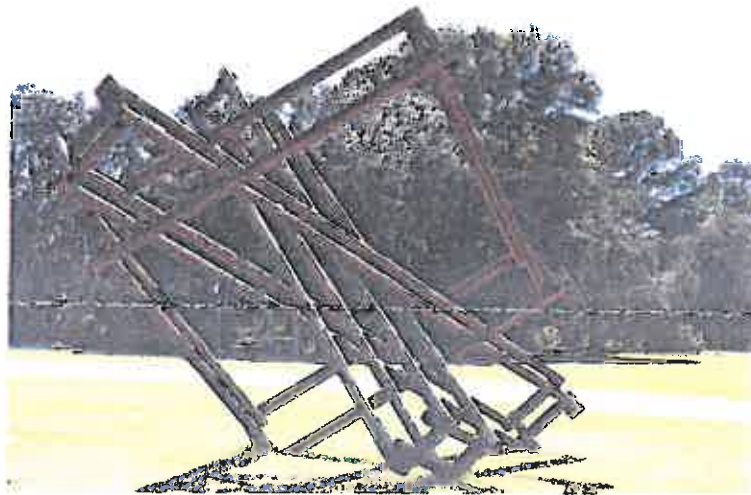
DEC 11 2015

BY: \_\_\_\_\_

Dear Mayor Bennett,

As you know, the 2015 Public Art Exhibition on Hilton Head Island runs through December 31, 2015. We've selected the Purchase Prize winner ("Setting Sun") and plans are underway for its installation at a later date.

In addition to the Purchase Prize winner, we've had the good fortune of having an artist offer to donate his sculpture. The Public Art Committee voted last week to accept the piece. Entitled "THEB – Tally," it is a 20 ft. x 20 ft. x 20 ft. welded steel piece, created by Charleston, Illinois-based artist Jeffrey Boshart. Below is a photo of the piece.

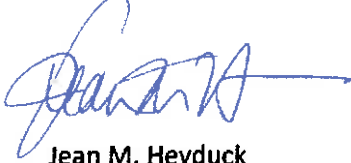


The Public Art Committee has looked at several potential installation locations. Today they selected the Stoney area site as the location they would prefer for this piece. This site has already been approved by the Town as a location for Public Art.

Therefore, we now request that at their January 5, 2016 meeting, Town Council accept "THEB – Tally" into the Town's public art collection and, additionally, approve the Stoney area site as its location for installation.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jean M. Heyduck", with a long horizontal flourish extending to the right.

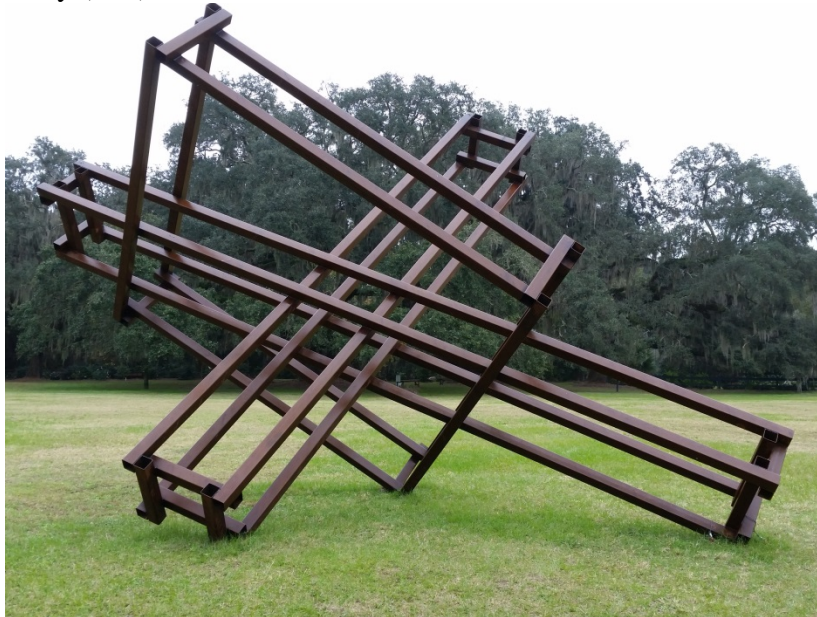
Jean M. Heyduck  
Vice President for Marketing and Communications

## **EXHIBIT B**

### **Description and Maintenance of the Artwork**

“THEB-Tally” blends the traditional classifications of art, craft, and design in an aesthetic exploration intended to be serious, playful, introspective, contemplative, and exaggerated. The sculpture is comprised of welded structural tubing configured into rectilinear frameworks and then welded together to resemble a flat box with an “X” in it. The sculpture is designed to be mounted to a concrete surface.

Due to the angled nature of the display, there are few places for water to collect and most moisture will either drain off or evaporate. Mounted on points to a concrete pad, and left to patina naturally (rust), there is no maintenance.



**EXHIBIT C**  
**Location of Public Art on the Town-owned**  
**Marshfront Parcel in Stoney Area**

The sculpture will be located on the Town-owned marshfront parcel in the Stoney area. The specific location will be determined by the Town of Hilton Head Island in conjunction with the Community Foundation of the Lowcountry's Public Art Committee.

