

Sec. 9-7. - No parking places. It shall be unlawful at any time for a person to permit any vehicle, golf cart, or trailer to stop, stand, or park in any of the following places, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic control device:

- (1) At any place where official signs prohibit parking.
- (2) On any sidewalk.
- (3) Within thirty (30) feet of any intersection not otherwise designated for parking.
- (4) Within ten (10) feet of any beach access, driveway and entrance or exit to any parking lot.
- (5) On any private property without consent of the owner.
- (6) Within fifteen (15) feet of a fire hydrant.
- (7) In any metered space, pay station area, or upon any public right-of-way with the vehicle facing against the proper flow of traffic unless directed by a law enforcement officer.

The provisions of this section shall apply to all off-street parking facilities owned or operated by the town and to town rights-of-way.

Section 9-8. Definitions. For the purpose of this section, the following terms shall have the following meanings, unless the context indicates a different meaning is intended:

Boot means a device designated and manufactured to be attached to the wheel or tire of a vehicle to restrict the normal movement of a vehicle, as authorized by the town. The device shall also be referred to as an "immobilization device" or "immobilization equipment" or the use of this device as "immobilization" or "immobilized."

Commercial Passenger Bus means a vehicle used to transport passengers for drop-off and pick-up.

Dates and times of enforcement for meters and pay station areas only means March 1st through October 31st annually, from the hours of 7:00 a.m. to 7:00 p.m., Monday through Sunday.

Metered area means a designated area where a parking meter is installed and where a vehicle may be temporarily parked and allowed to remain for the period of time indicated on the meter.

Parking meter means a mechanical or electronic device located upon a public street or in a place designated as a metered area hereafter defined, which device shall record a certain number of minutes by the use of a mechanism determining the period of time for which parking privileges may be extended to the person depositing a coin or electronic payment therein.

Paid Parking Districts. Town parking lots and areas marked with signage for parking along all town streets from Dogwood Drive to the Atlantic Ocean within the town's corporate limits where vehicle operators shall pay to park using ParkMobile or other approved Internet application, unless exempt from payment by decal permanently affixed, which means attached using adhesive on the decal to the vehicle windshield on the inside or as otherwise directed by town hall, or exempt pursuant to §9-16(c) or (d).

Pay station and parking pay station means any mechanical or electronic device, except a parking meter, that requires a monetary or electronic payment in exchange for authorized parking in designated, public parking areas.

Pay station area means a designated area where parking is allowed upon payment of U.S. currency or electronic payment resulting in the issuance of a voucher or receipt to be properly displayed on the vehicle and where a vehicle may be temporarily parked and allowed to remain for the period of time indicated on the voucher, receipt or mechanical or electronic pay station device.

Vehicles also include golf carts.

Payment methods. Payments shall be made by US Currency, credit card, telephone, ParkMobile, other approved mobile parking applications, Internet, or any other method of payment that may be available.

Overnight Parking. Overnight parking is only allowed when the vehicle displays a 24-hour parking pass or weekly parking pass and is parked in the Yaupon Drive Parking lot.

Vehicles. Vehicles includes automobiles, trucks, motorcycles, golf carts, low speed vehicles, and any other motorized unit used for transportation.

Sec. 9-9. Charges, Pier Parking; Value Parking; Beach Accesses; Parking Districts; Surfside Drive Parking.

(a) *Pier parking pay stations, Yaupon parking lot, 212 Surfside Drive parking lot, and all beach access parking east of Ocean Boulevard.* Hourly charges are hereby established at the rate of two dollars (\$2.00) per hour, plus various transaction fees.

(b) *Value parking.* Parking spaces at 112-114 13th Avenue South parking lot (west of Ocean Boulevard) and Surfside Drive Parallel Parking between Hollywood and Pinewood Drives. Hourly charges are hereby established at the rate of One Dollar (\$1.00) per hour, plus various transactions fees.

(c) *All other parking lots, meters, parking districts, and pay stations.* Hourly charges are hereby established at the rate of one dollar and seventy-five cents (\$1.75) per hour, plus various transaction fees.

(d) *Daily charges; expiration.* Daily charges are hereby established at the rate of ten dollars (\$10.00) per day. Expiration of daily rates is 7:00 p.m. on the day of issue.

(e) *24-Hour Parking.* 24-Hour parking charges are hereby established at the rate of fifteen dollars (\$15.00) per 24-hours. Expiration of the rate is 24-hours from purchase. Vehicles with 24-hour parking passes are allowed to park overnight only at the Yaupon parking lot. Except for 24-hour and weekly passes, all other overnight parking is prohibited.

(f) *Weekly charges; expiration.* Weekly charges are hereby established at the rate of seventy dollars (\$70.00) per week, which expires at midnight on the seventh day from issue counting the issue day (i.e., Saturday to Friday midnight; Sunday to Saturday midnight; Monday to Sunday midnight, etc.) Vehicles with weekly parking passes are allowed to park overnight only at the Yaupon parking lot.

(g) *Commercial Passenger Busses.* Any commercial passenger bus parking in town rights-of-way shall purchase an annual parking decal which shall be permanently affixed at the cost of \$500 per calendar year. Commercial busses shall park in designated rights-of-way at Memorial Park.

(h) *Beach Access Parking.* All vehicles, including golf carts, shall pay using ParkMobile or other approved Internet applications to park in beach access parking, except those vehicles with a current parking decal permanently affixed, or exempt pursuant to §9-16(c) or (d).

(i) *Paid Parking Districts.*

(a) All vehicles shall pay in areas designated for parking with signage along all town streets from Dogwood Drive to the Atlantic Ocean within the town's corporate limits using ParkMobile or other approved Internet application, unless exempt from payment by decal permanently affixed to the vehicle, or exempt pursuant to §9-16(c) or (d).

(b) The town's parking lot at 4th Avenue North shall require all users, including vehicles with town decals, golf carts, and other vehicles of any type parked therein to pay, except those exempted pursuant to §9-16(c) and (d).

(j) *Surfside Drive parking.*

(1) C2 Business District. Parking spaces on Surfside Drive in the C2 Business District from Highway 17 Business to Poplar Drive shall be limited to two (2) hours, except for one (1) space on the north side of Surfside Drive which shall be permanently designated as "ten-minute parking only." The two (2) hour parking restriction shall be enforced from 9:00 a.m. to 5:00 p.m. daily, except Saturday and Sunday.

(2) Poplar Drive to Hollywood Drive. All vehicles parked in town rights-of-way between Poplar Drive and Hollywood Drive shall comply with Chapter 9 of the Town Code of Ordinances.

(3) Hollywood Drive to Pinewood Drive. Parallel parking spaces located on Surfside Drive between Hollywood Drive and Pinewood Drive require payment to park using ParkMobile or other approved Internet application, unless exempt from payment by current decal permanently affixed to the vehicle or exempt pursuant to §9-16(c) or (d).

Section 9-10. Method of using; failure to deposit US currency, electronic payment, pay at pay station, ParkMobile, or Internet. The owner or operator of any vehicle upon entering a parking meter space, pay station area, parking district, or any other town designated parking space shall immediately pay the appropriate fee for parking via the designated method at the location, and when applicable display the receipt for parking on the dashboard in plain sight, unless a current decal is permanently affixed to the vehicle, or exempt pursuant to §9-16(c) or (d). Failure to pay shall be a violation of this code and shall be subject to penalties hereunder.

Sec. 9-11. - Parking within marked spaces. All vehicles shall be parked within the lines designating a parking space; should more than one space be required, then payment shall be adjusted accordingly. In parking districts where spaces are not marked, vehicles shall be parked in an orderly, consistent manner so as to not block the roadway or other vehicles, and shall be situated completely off the road.

Sec. 9-12. - Overtime parking. It shall be unlawful for any person to permit any vehicle to remain in a parking area for a period longer than the time for which payment has been made.

Sec. 9-13. - Use of slugs, etc., prohibited. It shall be unlawful to deposit or cause to be deposited in any parking meter or pay station in the town, any substitute or device of any nature or description for any coin or currency of the United States or any fraudulent electronic payment.

Sec. 9-14. - Injuring or tampering with meters or pay stations. It shall be unlawful for any person to deface or tamper with, damage, open, break, destroy or impair the usefulness of any parking meter or pay station installed pursuant to this chapter.

Sec. 9-15. - Interpretation of chapter. Nothing contained in this division shall be constructed to permit the parking of vehicles in those spaces where parking is prohibited.

Sec. 9-16. - Decals and exemptions.

(a) *Parking decals.* In this paragraph (a), the word vehicle includes golf carts. A current parking decal authorizes the vehicle to which it is permanently affixed to park without paying a fee, except at the 4th Avenue North parking lot. The decal does not guarantee space is available.

(1) *Full time resident vehicles including golf carts.* All persons residing within the corporate limits of the town shall be entitled to one (1) free decal per vehicle to be issued upon verification that the vehicle is currently registered in the corporate limits of the town.

(2) *Non-resident residential property owner vehicles including golf carts.* All non-resident residential property owners within the corporate limits of the town shall be entitled to two (2) free decals for two (2) vehicles per property upon verification of proof of property ownership. Additional decals may be purchased for fifty (\$50.00) dollars each. A name on the vehicle registration must be the same as a name on the property tax record to show proof of property ownership.

(3) *Beach access parking.* All vehicles shall pay via ParkMobile or other approved Internet application at beach accesses except when the vehicle has a current decal permanently affixed, or is exempt pursuant to §9-16(c) or (d).

(4) *Nonresident parking passes.* Up to one hundred (100) nonresident parking decals may be sold during each parking season at a cost of two hundred dollars (\$200.00) each. Town council reserves the right to review, repeal and/or amend this section.

i. Nonresidents shall be issued a parking decal with a yellow center, which shall be permanently affixed to the vehicle.

ii. Vehicles with a nonresident decal shall be prohibited from parking in the pier, and 4th Avenue North parking lots, but may park at any other legal parking place without paying fees.

(5) *Event Parking.* The town administrator shall within his sole discretion have authority to waive parking fees at any or all parking locations during events occurring in the town. All other parking regulations shall remain in full force and effect and are subject to enforcement.

(6) *Permit parking.* Designated parking spaces on the west side of Ocean Boulevard beginning at 16th Avenue North and ending at Melody Lane shall be reserved for vehicles displaying a current town issued parking decal.

(7) *Prohibited parking.* Parking shall be prohibited on the east side of Ocean Boulevard, except between 16th and 17th Avenues North.

(8) *Bike events trailer parking.* Free motorcycle trailer parking shall be allowed in the 13th Avenue South parking lot and the 16th Avenue North parking lot during the spring and fall bike week events. Owners shall be solely responsible for any damage or loss that might occur.

(b) *Golf carts without town issued parking decals.* Golf carts without a town issued parking decal must pay applicable fees while parking at meters, in all parking districts, and in all pay station areas.

(c) *Disabled Veterans and Purple Heart recipients are exempt from parking fees.* When a vehicle displays a disabled veterans or Purple Heart license plate issued by the department of motor vehicles or appropriate authority.

(d) *Handicapped persons are exempt from parking fees.* When a vehicle displays a handicapped license plate issued by a proper authority, or a handicapped windshield hanger, either the driver of or a passenger in a vehicle displaying a handicapped license plate or windshield hanger must be a "handicapped" person.

(e) *Town of Surfside Beach Employees.* Every town employee shall be entitled to one (1) decal, which will allow the employee to park free of charge in metered areas, except at the 4th Avenue North parking lot, subject to conditions set forth hereinabove in paragraph (a) and other applicable ordinances.

(f) *Commercial Zoning Districts 30-day decals.* The town shall issue 30-day decals for employees of any commercial district business that shall entitle the vehicle to which the decal is permanently affixed to park in any parallel parking space on Surfside Drive. The charge for said 30-day decal shall be thirty (\$30.00) dollars per month, and shall expire on the last day of the month issued, regardless of the issuing date.

Sec. 9-17. Penalties.

(a) *Violations.* Any person who violates any provision of this chapter or fails to comply with any of the requirements herein shall be guilty of a civil infraction and shall be subject to a fine of twenty-five dollars (\$25.00). If a violator fails to pay the fine within thirty (30) days of the issuance of the citation, then the town may invoke any remedy permitted by law for debt collection, including but not limited to, vehicle impoundment or immobilization. Each day of a continuing violation of this article shall be considered a separate and distinct offense and may result in cumulative fines. When the owner of a vehicle, or his agent, makes proper payment of a parking violation within thirty (30) days of issuance of the citation, there will be no increases in the twenty-five-dollar (\$25.00) fine assessed. On the thirtieth day after issuance, the fine will increase to seventy-five dollars (\$75.00).

(b) Violations shall be issued on a uniform traffic ticket or on a uniform ordinance summons used by the town's parking contractor for parking violations occurring east of Dogwood Drive.

(c) Violators shall only be cited by police officers or authorized code enforcement officials.

(d) Violators shall appear and be subject to the jurisdiction of the town's municipal court or the adjudication process set forth by the town's parking contractor as approved by the town council for parking violations occurring east of Dogwood Drive.

(e) [Adjudication.]

(1) Technical level adjudication. When citations involve technical issues (e.g., broken meter, pay station, etc.), violators shall have the right to appeal to the parking management firm.

(2) Administrative level adjudication. All violators not prevailing at this level shall also have a right to request a hearing before an independent hearing officer (approved by the town) provided that the request to schedule a hearing is received within fifteen (15) days of notification of the denial of the manager's technical appeal and sufficient bond is posted. Bond shall be equal to the amount of the parking citation, including any penalties accrued. The hearing shall be scheduled within fifteen (15) days of the request, unless a request for an extended scheduling is made; at no time shall the hearing be scheduled more than sixty (60) days after the request for an appeal. If the violator is not able to attend the hearing in person, the hearing can be held by telephone. Such requests must be included on the original hearing request form. Violators shall be notified of the hearing officer's decision within seven (7) business days after the hearing concludes. If the hearing officer dismisses the fine, a refund of the bond shall be included in the notification.

(3) Request and right to criminal adjudication. Persons who receive a parking citation and have exhausted the technical and administrative appeal process may elect to invoke the right of trial upon their written request for and acceptance of a warrant in substitution of each parking ticket issued. Upon receiving a request for such trial, a warrant shall be issued and a courtesy copy of that warrant will be mailed to the owner's address listed in the vehicle's registration information along with the date and time of the trial. The original warrant will be served at the time of the trial. Service of a warrant vests the municipal court with jurisdiction to hear and dispose of the charge for which the warrant was issued and served. If convicted, the person shall be punished for each violation in accordance with the local ordinance that governs a misdemeanor charge.

(f) Violators shall be subject to set-off debt process and failure to pay or appear may result in a non-resident violator compact (NRVC) notice for South Carolina licensed drivers.

(g) Towing and booting. Whenever there is found any motor vehicle upon the public streets or highways, or upon the town rights-of-way, property or parking lots, with an assessed fine of seventy-five dollars (\$75.00) or more violations, the vehicle may be towed and/or booted/immobilized, under the direction of the police department.

(h) Release of vehicles. The owner of such towed and/or booted or immobilized vehicle shall pay the fines owed on the vehicle at the municipal court or such other place as indicated on the issued citation; and the current tow rate and any storage rate assessed by the tow agency prior to getting the vehicle released.

(i) Written notice. A written notice shall be sent to the registered owner of the vehicle after thirty (30) days of issuance of the parking ticket if it has not been paid.

Section 9-18. Town Administrator to Manage Parking Function. The Town Administrator is authorized to establish public parking upon any city-owned lots, public street-ends, and within public rights-of-way as paid parking lots and/or parking districts, which shall be identified as such. In addition, the Town Administrator shall establish the method of payment of the posted parking fees via kiosks, meters, mobile parking applications, pay by Internet or phone options, or any other method of payment that may be available.

Secs. 9-19—9-22. - Reserved.

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 this article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

EFFECT OF SECTION HEADINGS. The headings or titles of the sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this ordinance.

ORDINANCE AND EFFECTIVE DATE. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon second reading by the Mayor and Town Council of the Town of Surfside Beach, except that fees stipulated herein shall be effective January 1, 2020 and those portions not amended by this ordinance shall remain unchanged.

BE IT ORDERED AND ORDAINED by the Mayor and Town Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 22nd day of October 2019.

Surfside Beach Town Council

Robert F. Childs, III, Mayor

David L. Pellegrino, Mayor Pro Tempore

Bruce H. Dietrich, Town Council

Mark L. Johnson, Town Council

Ron Ott, Town Council

Debbie Scoles, Town Council

Randle M. Stevens, Town Council

Attest: _____
Debra E. Herrmann, CMC, Town Clerk

TABLED