



**The Town of Hilton Head Island
Town Council Meeting
January 15, 2019, 4:00 p.m.
BENJAMIN M. RACUSIN COUNCIL CHAMBERS
AGENDA**

**As a courtesy to others please turn off/silence ALL mobile devices during the Town Council Meeting.
Thank You.**

- 1. Call to Order**
- 2. FOIA Compliance** - Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.
- 3. Pledge to the Flag**
- 4. Invocation – Pastor Michael Carr, Central Church of God**
- 5. Proclamations & Commendations - None**
- 6. Approval of Minutes**
 - a. Town Council Meeting, January 2, 2019
- 7. Report of the Town Manager**
 - a. Design Review Board Update – Dale Strecker
 - b. Board of Zoning Appeals Update – David Fingerhut
 - c. Flood Outreach Program Update/Program for Public Information Annual Evaluation Report – Shari Mendrick
 - d. Items of Interest
 - i. Town News
 - ii. Noteworthy Events
- 8. Reports from Members of Council**
 - a. General Reports from Council
 - b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins
 - c. Report of the Community Services Committee – Marc Grant
 - d. Report of the Public Planning Committee – David Ames
 - e. Report of the Public Facilities Committee – Marc Grant
 - f. Report of the Finance & Administrative Committee – Tom Lennox

9. Appearance by Citizens

10. Unfinished Business

a. Second Reading of Proposed Ordinance 2019-01

Second Reading of Proposed Ordinance 2019-01 of the Town of Hilton Head Island, South Carolina, to amend Title 2 General Government and Administration of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Meetings of Council and Rules of Procedure) Section 2-5-50, Agenda and Order of Business and Section 2-5-70 Appearance by Citizens and adding Section 2-5-80 (Rules of Decorum) and providing for severability and effective date.

11. New Business

a. First Reading of Proposed Ordinance 2019-02

First Reading of Proposed Ordinance 2019-02 authorizing the issuance and sale of not to exceed \$5,000,000, Series 2019, or such other appropriate Series Designation, of the Town of Hilton Head Island, South Carolina, fixing the form and certain details of the Bonds; authorizing the Town Manager or his lawfully authorized designee to determine certain matters relating to the Bonds; providing for the payment of the Bonds and the disposition of the proceeds thereof; other matters relating thereto; and providing for severability and an effective date.

b. First Reading of Proposed Ordinance 2019-03

First Reading of Proposed Ordinance 2019-03 to amend Title 15 of the Municipal Code of the Town of Hilton Head Island, South Carolina, Chapter 9 to revise various Sections. This amendment includes changes that would clarify the scope and purpose of the Ordinance and revise the language and defined terms to be consistent with the National Flood Insurance Program Regulations 44 CFR Parts 59 and 60 and providing for severability and effective date.

c. First Reading of Proposed Ordinance 2019-04

First Reading of Proposed Ordinance 2019-04 to amend the Municipal Code of the Town of Hilton Head Island by adding Chapter 11 (Fleeing to Evade Arrest or Detention) to Title 17; and providing for severability and an effective date.

d. First Reading of Proposed Ordinance 2019-05

First Reading of Proposed Ordinance 2019-05 to amend Chapter 1 of Title 17 of the Municipal Code of the Town of Hilton Head Island, South Carolina adopted by reference of Beaufort County Ordinance Chapter 14, Article II Animal Control; and providing for severability and an effective date.

e. Consideration of a Resolution – 2019 Bicycle Friendly Community Renewal Application

Consideration of a Resolution of the Town Council of the Town of Hilton Head Island, South Carolina to support the Town’s Renewal Application to the League of American Bicyclists for the Bicycle Friendly Community Award.

f. Consideration of a Resolution – Charter for the U.S. 278 Gateway Corridor Committee

Consideration of a Resolution by the Town Council of the Town of Hilton Head Island, South Carolina authorizing the appointment of the Hilton Head Island U.S. 278 Gateway Corridor Committee.

12. Executive Session

a. Legal Advice:

Receipt of legal advice related to pending, threatened, or potential claim related to:

- i.** ArborNature LLC vs. the Town of Hilton Head Island, et. al.

b. Land Acquisition:

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

- i.** In the Beach City Road area.

c. Personnel / Employment Matters:

- i.** Discussion and Interview of potential Town Attorney applicant
- ii.** Discussion of appointments of members to the U.S. 278 Gateway Corridor Committee

13. Possible actions by Town Council concerning matters discussed in Executive Session

- a. Possible Appointment of Members to the U.S. 278 Gateway Corridor Committee**

14. Adjournment

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

Date: Wednesday, January 2, 2019

Time: 4:00 P.M.

Present from Town Council: John J. McCann, *Mayor*; Bill Harkins, *Mayor Pro Tempore*; Marc Grant, Tom Lennox, David Ames, Tamara Becker, *Council Members*

Present from Town Staff: Steve Riley, *Town Manager*; Joshua Gruber, *Assistant Town Manager*; Charles Cousins, *Assistant to the Town Manager*; Shawn Colin, *Director of Community Development*; Brian Hulbert, *Staff Attorney*; Brad Tadlock, *Fire Chief*; John Troyer, *Finance Director*; Carolyn Grant, *Communications Director*; Teresa Haley, *Senior Administrative Assistant*; Krista Wiedmeyer, *Executive Assistant/Town Clerk*

Present from Media: Katherine Kokal, *Island Packet*

1. Call to Order

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

2. FOIA Compliance - Public notification of this meeting was published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Pledge to the Flag

4. Invocation

Pastor Neil M. Yongue Jr., of St. Andrew by the Sea United Methodist delivered the invocation.

5. Proclamations & Commendations - None

6. Approval of Minutes

a. Town Council Meeting, December 18, 2018.

Mr. Riley noted on page three, under item 9(f), it should read “Tom Lennox” as the Chair of the Finance and Administrative Chair. Mr. Harkins moved to approve the minutes from the December 18, 2018 Town Council meeting as amended. Mr. Lennox seconded, the motion was approved by a vote of 5-0-1 as amended. Mr. Ames was not in attendance.

7. Report of Town Manager

a. Legislative Update – Senator Tom Davis

Senator Tom Davis addressed the members of Town Council and the community giving an overview and update of the upcoming Legislative discussions slated to take place over the coming months in 2019. He touched on the State pension plan, funding for the bridge to Hilton Head Island, the Governor’s support for the County’s and Town’s SC Infrastructure Bank application, the Jasper Port, and education.

b. Items of Interest

i. Town News

ii. Noteworthy Events

Mr. Riley reviewed the Items of Interest, including Town News, upcoming Town meetings, and noteworthy events taking place throughout the Island over the coming weeks.

8. Reports from Members of Council

a. General Reports from Council

No general reports from the members of Council.

b. Report of the Intergovernmental & Public Safety Committee – Bill Harkins, Chairman

Mr. Harkins reported that the League of Women Voters would be holding a forum on January 23, 2019 at 5:30 p.m. for the Ward 6 candidates at Town Hall. He asked Mr. Gruber, Assistant Town Manager to give an update on the improvements at the Yacht Cove intersection. Mr. Gruber addressed the members of Council stating that staff is proceeding as directed with the pavement markings, reflective signage and the general safety requirements that were approved by Town Council. He noted that the lighting is currently being reviewed by staff in conjunction with the Design Review Board, Palmetto Electric and the South Carolina Department of Transportation.

c. Report of the Community Services Committee – Marc Grant, Chairman

Mr. Grant reported that the Committee continues do interviews for the U.S. 278 Gateway Corridor Committee, and is looking to have a recommendation to Council by the January 15th meeting.

d. Report of the Public Planning Committee – David Ames, Chairman

Mr. Ames stated he did not have a report.

e. Report of the Public Facilities Committee – Marc Grant, Chairman

Mr. Grant stated that he did not have a report.

f. Report of the Finance & Administrative Committee – John McCann, Chairman

Mr. Lennox stated that the Committee will meet again on January 15, 2019, at 2:00 p.m.

9. Appearance by Citizens

Linda Ovens: Addressed the members of Town Council with her concerns regarding the intersection at U.S. 278 and Yacht Cove.

10. Unfinished Business - None

11. New Business

a. First Reading of Proposed Ordinance 2019-01

First Reading of Proposed Ordinance 2019-01 of the Town of Hilton Head Island, South Carolina, to amend Title 2 General Government and Administration of the Municipal Code of the Town of Hilton Head Island, South Carolina by amending Chapter 5 (Meetings of Council and Rules of Procedure) Section 2-5-50, Agenda and Order of Business and Section 2-5-70 Appearance by Citizens and adding Section 2-5-80 (Rules of Decorum) and providing for severability and effective date.

Mr. Harkins moved to approve, Mr. Lennox seconded. Mrs. Becker asked about items coming out of Executive Session. Mr. Riley clarified, stating that any item that would need to be discussed outside Executive Session falls under the agenda item “Possible actions by Town Council concerning matters discussed in Executive Session.” With no further discussion from either the members of Council or the general public, the motion passed by a vote of 6-0.

11 New Business (cont.)

b. Consideration of a Recommendation – Land Management Ordinance Roadway Classifications and Design Requirements

Consideration of a Recommendation from the Public Planning Committee to Town Council that the Town Manager be directed to study the roadway classification standards, design requirements, and other criteria of the Land Management Ordinance.

Mayor McCann, asked Mr. Riley to explain to Council what this Recommendation is. Mr. Riley said what he would like to suggest is that the Town take the Pope Avenue resurfacing project as an opportunity for a “test case” by striping the lanes into eleven foot lanes. Mr. Riley said if this test works out then permanent markings can be put into place. Mr. Riley said that this study would cover a full one year season. Both Council and members of the general public discussed this matter, and how ultimately, a final decision and outcome was needed.

c. Appointment of Town Representative to the Beaufort County Economic Development Corporation Board of Directors.

Mr. Harkins moved to appoint Steve Fobes to the Beaufort County EDC Board of Directors as a representative for the Town of Hilton Head Island, Mr. Grant seconded. With some discussion from the members of Town Council, the motion was approved by a vote of 6-0.

12. Possible actions by Town Council concerning matters discussed in Executive Session.

13. Adjournment

At 5:02 p.m., Mr. Harkins moved to adjourn, Mr. Grant seconded. The motion to adjourn was approved by a vote of 6-0

Krista M. Wiedmeyer,
Executive Assistant/Town Clerk

Approved: 01/15/2019

John J. McCann, Mayor



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Town Council
FROM: Dale Strecker, *Chairman of the Design Review Board*
DATE: January 3, 2019
SUBJECT: Design Review Board Semi-Annual Report: July – December 2018

Two (2) meetings were cancelled during this period due to lack of agenda items.

New Developments

1. 15 Wimbledon Court (Final) – approved with conditions
2. Vacation Homes of Hilton Head (Final) – approved with conditions

Alterations/Additions

1. Temporary Sea Pines Cell Towers (2) – approved with conditions
2. Stealth Cell Antenna at Marriott Grande Ocean – approved
3. 6 Lagoon Renovations – approved with conditions
4. Hargray Building Renovations – approved with conditions
5. Village House Renovations – approved with conditions
6. French Bakery Addition – approved with conditions
7. Schooner Court Addition – approved
8. Omni Hotel Beach Bar - approved with conditions
9. Java Burrito Utility Enclosure – approved with conditions
10. Jamaica Joe Utility Enclosure – approved with conditions
11. Summit Drive Buffer – approved



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Town Council
FROM: David Fingerhut, *Chairman of the Board of Zoning Appeals*
DATE: January 2, 2019
SUBJECT: Board of Zoning Appeals Semi-Annual Report: July – December 2018

The July, October and December meetings were cancelled due to lack of agenda items. The November meeting was held to address board business only.

Variances

VAR-001924-2018 Variance requested from LMO Section 16-6-102.D, Wetland Buffer Standards, to build a residential pool in the wetland buffer located at 58 Board Pointe Drive. This variance was granted with conditions by a vote of 6-0-0.

Appeals

APL-001673-2018 This appeal was a re-hearing of an Appeal of Staff's determination, dated August 23, 2016, that the proposed development of Spinnaker Welcome Center at 30 Waterside Drive is permitted as proposed with Development Plan Review application DPR-001056-2018. In the original Appeal, the Staff's determination was upheld. That determination was Appealed to the Circuit Court. After consideration of the Appeal, the Court remanded to the case to the BZA for a rehearing and to answer three specific questions posed by the judge. There were several motions to address the judge's questions. Each of the judge's questions were answered by a vote of 6-0-0. Ultimately, the motion to uphold Staff's original determination failed with a vote of 3-3-0, resulting in Staff's determination being upheld.

Special Exceptions

There were no Special Exception hearings.



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Shawn Colin, AICP, *Director of Community Development*
VIA: Nicole Dixon, CFM, *Development Review Administrator*
FROM: Shari Mendrick, P.G., *CFM, Planner/Floodplain Manager*
CC: Teri B. Lewis, AICP, *LMO Official*
DATE: January 3, 2019
SUBJECT: Program for Public Information Annual Evaluation Report

Summary: The attached report is the 2018 annual evaluation of the implementation of the outreach projects that are part of the Community Rating System (CRS) Program for Public Information (PPI) which was adopted by Town Council in 2015.

Background: To maintain credit in the public outreach section of the CRS program, which is part of the National Flood Insurance Program, the PPI Committee must meet annually to monitor, evaluate and revise as needed the outreach projects that are included in the PPI program. An annual report of this evaluation must be prepared and submitted to Town Council.

The annual progress report is prepared by Town staff and reviewed by the PPI Committee to ensure there is a continuing and effective outreach program. The report is presented to Town Council prior to recertification of the Town's CRS status.

TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA



PROGRAM FOR PUBLIC INFORMATION

Annual Evaluation Report

Prepared in November 2018 by:
Shari Mendrick, P.G., CFM, Planner/Floodplain Manager
and CRS Coordinator
Town of Hilton Head Island

Background

The Town has been actively participating in the CRS program since October 1, 1991. The Town is currently a Class 5 Community, which gives its residents in the Special Flood Hazard Area (SFHA) a 25% discount on their flood insurance premiums. In an effort to maintain the reduced flood insurance premium costs to its residents and to provide flood-related information to property owners through a more aggressive outreach program, the Town developed the Program for Public Information (PPI). Through this public information program, people at risk can learn about the hazards they face, prepare for flooding and take steps to reduce their exposure to flood damage.

The Town decided to incorporate a Flood Insurance Coverage Assessment and Coverage Improvement Plan into the PPI because there are people who are not aware of flood insurance requirements or may not see a need to insure their property. By having an outreach program and flood insurance coverage improvement plan, with all of the activities and educational opportunities assembled in a coordinated document, the Town hopes people will have the information they need to protect themselves and their property.

The Town of Hilton Head Island Town Council adopted the PPI on August 4, 2015. A requirement of this program is that the PPI Committee is required to meet annually to monitor the implementation of the outreach projects and to reassess the flood insurance coverage. The committee assesses whether the outcomes desired were achieved and what, if anything, should be changed. An evaluation report is to be prepared each year and presented to Town Council. It will also be included as part of the annual CRS recertification.

The goal of the PPI is to better inform the public about their flood risks, how to improve their flood hazard preparedness, identify what they can do to decrease future damage and the benefits of having flood insurance coverage for both the structure and contents. All of the public information activities have the same objective: to get people to protect themselves and their property, whether it's to take flood protection steps, such as buying flood insurance, developing a family emergency plan, retrofitting a building, or complying with floodplain management regulations.

The Town's PPI Program is based on specific messages. The messages dispersed will educate the public, through outreach materials such as publications and brochures, will provide flood response preparation and disaster recovery information when needed,

and will help other organizations on getting the word out about flood awareness, educate contractors, builders, realtors, insurance agencies and mortgage brokers on the importance of flood awareness and promoting flood insurance and assist the stakeholders in their outreach efforts.

PPI Committee Members

The PPI Committee consists of eleven members. Five of the members are Town staff and six are volunteers from the community that together have a wealth of knowledge regarding flood hazards and flood risk. The community members, or stakeholders, represent real estate, flood insurance, mortgage lender, property management and property owners association. Some of the members of the committee are Hilton Head Island floodplain residents. Shari Mendrick has joined the committee as the new CRS Coordinator for the Town.

- ❖ Shari Mendrick, P.G., CFM, Planner/Floodplain Manager, CRS Coordinator, Town of Hilton Head Island
- ❖ Nicole Dixon, CFM, Development Review Administrator, Town of Hilton Head Island
- ❖ Chris Yates, CFM, Building Official, Town of Hilton Head Island
- ❖ Sally Krebs, Sustainable Practices Coordinator, Town of Hilton Head Island
- ❖ Tom Dunn, SC CEM, Emergency Management Coordinator, Town of Hilton Head Island
- ❖ Alan Perry, Mortgage Loan Officer, Suntrust
- ❖ Kristin Hayrinen, CISR, Private Client Advisor, Hub International Southeast
- ❖ Jean Beck, RCE, Executive Vice President, Hilton Head Area Association of Realtors
- ❖ Karen Ryan, Owner/Broker, Weichert Realtors
- ❖ Ben Brown, Principal Planner & Project Manager, Palmetto Dunes Property Owners Association
- ❖ Dru Brown, Director of Sales and Marketing, The Vacation Company

Annual Committee Meeting

The annual meeting to evaluate the program took place on May 24, 2018. The members present were Shari Mendrick, Nicole Dixon, Chris Yates, Sally Krebs, Tom Dunn, Kristin Hayrinen, Jean Beck, and Ben Brown.

As Beaufort County is under a map revision by FEMA, the Town's Floodplain Manager gave an overview of FEMA's current project timeline for the Digital Flood Insurance Rate Map (DFIRMs) and discussed the flood zone changes. The group discussed that the drastic drop in the flood elevations may give citizens a false sense of the risk of flooding as the flood maps model predicted flooding based on rainfall and do not address storm surge, king tides and sea level rise. As flood insurance does cover any damage due to rising water, as long as it effects two or more properties, flooding due to storm surge and king tides are covered under the NFIP. Members concluded that a proactive approach is necessary to clearly convey the other risks associated with living on an island so that residents are given the opportunity to make informed decisions if they decide to build to a lower level.

The committee discussed the various outreach projects that were included in the adopted PPI. The projects were discussed in great depth; specifically how they were implemented and by whom. Over the past year, the Town and its stakeholders made great progress in getting the messages out and achieving its goals for the program. While it is difficult for the committee to assess whether or not the outcomes desired were achieved, we are confident that the program has helped the community become more educated on flood awareness and better prepared to protect themselves and their property from a flooding event. The committees' goal is to continue to make progress on educating the public about flood awareness.

The committee decided to add two new projects to the program, to include the "Road Show" and Project WET "Floods" Activity booklet. The committee did not identify any projects that should be revised or dropped from the program.

There were only a few projects that did not get implemented this past year but will be top priority for implementation this year. These include converting the Annual Flood Awareness brochure into Spanish, providing a message on PSD bill statements and some educational presentations at area schools.

The committee also came up with several ideas for projects that will require further research before adding them to the program. Projects educating landscapers regarding the Town's drainage system and a flood series for the Town's website and distribution to the POAs for use on their websites. These projects will be researched and reviewed over the next year for potential inclusion in the program.

NEW OUTREACH PROJECTS

After reviewing the existing public information efforts that are done by the Town and its stakeholders, the committee decided the following outreach activities should be added to the program. These projects are identified in the “PPI Projects and Initiatives Table” and are in red to highlight they are new.

1. As the forthcoming DFIRMs have numerous changes, to include the change in the vertical datum, updated modeling data and new zone designations, The Town’s Floodplain Manager and Kristin Hayrinen with HUB International have developed a “Road Show,” to disseminate the information on the new maps to local realtors and local officials. To date, the presentation has been very well received and they plan on continuing the outreach to additional offices during the map revision process.
2. The Project WET “Floods” activity booklet will be ordered for distribution at events such as the Annual Home and Garden show, area school events, and Town Hall.

PPI PROJECTS AND INITIATIVES TABLE

Target Audience	Message	Outcome	Projects	Assignment	Schedule	Stakeholder
1. Entire Island	<p><u>Topic #1.</u> Know your flood hazard</p> <p>Messages: Know what flood zone your property is located in by calling 843-341-4757 or visiting www.hiltonheadislandsc.gov Be informed of your risk of flood and the hazards associated with it.</p>	<p>People will find out about their possible exposure to flood damage.</p>	Post Elevation Certificates on website	CRS Coordinator, IT Department	Year round	N/A
			Promote NFIP Flood Smart website on Town's website	CRS Coordinator, IT Department	As needed	N/A
			Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website	Hilton Head Library
		E-subscription messages	Emergency Management Coordinator	Quarterly message and as needed	N/A	
		Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A	
		Town's website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A	
		Website- wealth of information on this topic	FEMA	Year round	FEMA	
		2 Brochures- Flood Risks Nationwide and FloodSmart Online Tools and Resources	CRS Coordinator	On display at Town Hall year round	www.FloodSmart.gov	
		FRE (Flood Risk Evaluator) event- open to public at Town Hall. FRE staff will check elevation certificates, make owners aware of their flood risk, tell them how to retrofit and show how they can lower flood insurance	CRS Coordinator, Building Official, Paul Abrams with FRE	Once a year	SmartVent / FRE	
	<p><u>Topic #2.</u> Insure your property for your flood hazard</p> <p>Messages: To purchase flood insurance talk to a local agent to get the best rate. Everyone should purchase flood insurance. Standard homeowner or commercial policies will not cover damage to structures or contents caused by flooding. You don't have to hold a mortgage in order to purchase flood insurance. If you have a flood</p>	<p>Increase in the number of flood insurance policies.</p>	Promote NFIP Flood Smart website on Town's website	CRS Coordinator, IT Department	As needed	N/A
			Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library
			E-subscription messages	Emergency Management Coordinator	Quarterly message and as needed	N/A
			Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A
			Town Council special meeting on promoting flood insurance	CRS Coordinator	Spring of every year	Town Councilman

1. Entire Island	insurance policy, make sure you also carry contents coverage.		6 FEMA brochures	CRS Coordinator	On display at Town Hall, Fire Rescue and the library year round and on website	FEMA, Hilton Head Library
			Newspaper articles on various flood insurance related topics	Island Packet Newspaper	As needed	Island Packet Newspaper
			Town's website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
			Brochure- Flood Insurance Increase	Floodplain Manager	On display at Town Hall year round	N/A
			Website- wealth of information on this topic	FEMA	Year round	FEMA
			Website- wealth of information on this topic	S.C. Sea Grant Consortium	Year round	S.C. Sea Grant Consortium
			Website- information and brochure on flood insurance	Beaufort County Emergency Management Division	Year round	Beaufort County Emergency Management Division
			Brochure – 20 Questions to Ask Your Insurance Agent	Beaufort County Emergency Management Division	On display year round	Beaufort County Emergency Management Division
			Brochure- Contents Coverage	CRS Coordinator	On display at Town Hall year round	www.FloodSmart.gov
			CRS Brochure – Mandatory Purchase of Flood Insurance	CRS Coordinator	On display at Town Hall year round	N/A
			Brochure - Citizens Guide to Emergency Preparedness	Emergency Management Coordinator	On display at Town Hall and Fire Rescue year round and handed out at events, on website	Hilton Head Library, Deep Well
			Brochure – Substantially Improved or Damaged Buildings and the NFIP	Community Development Department	On display at Town Hall and the library year round	Hilton Head Library
			Trainings/presentations here at the Town for staff, realtors, insurance agents, banks, surveyors, contractors	Maria Lamm, SCDNR	As needed	SC DNR
			TV Interview – changes in flood insurance	Floodplain Manager	Once a year (this episode aired 14 times), as needed, year round on WHHI-TV you tube page	WHHI-TV
	<u>Topic #3.</u> Protect people from the hazard. Messages: Stay clear of standing water, it may be deeper than you think. Turn around, don't drown. Don't drive in flooded waters.	People will not drive in flooded streets. To have no injuries or fatalities related to a flooding event.	Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library
		E-subscription messages	Emergency Management Coordinator	Quarterly message and as needed	N/A	

1. Entire Island	Have an emergency plan established in advance to keep your family safe. After a flood, follow proper safety precautions before using your food, water supply and septic system.	Decrease the number of rescues and reduce calls to 911 for non-life threatening emergencies. Maintain public health throughout the cleanup period after a flood event.	Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A
			1 FEMA brochure – Flood Preparation and Safety	CRS Coordinator	On display at Town Hall and Fire Rescue, handed out year round	FEMA, Hilton Head Library
			Business cards	CRS Coordinator	On display at Town Hall and library year round	Hilton Head Library
			“Our Town” Newsletter	Administration Department	Summer of every year	N/A
			Annual home and garden show	CRS Coordinator, Floodplain Manager	March every year	Hilton Head Area Homebuilders Association
			Hurricane conference	Emergency Management Coordinator	Once a year	N/A
			Hargray Phone book-hurricane preparedness information	Hargray Communications	Printed once a year, used year round	Hargray Communications
			Island Packet Hurricane Guide	Island Packet Newspaper	June 1 every year	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazard topics	Island Packet Newspaper	As needed	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazard topics	The Bluffton Sun Newspaper	As needed	The Bluffton Sun
			Magazine articles on various hurricane and habitat/wildlife protection topics	Hilton Head Monthly Magazine	Once a year, as needed	Hilton Head Monthly Magazine
			Magazine articles on various hurricane preparedness topics	Celebrate Hilton Head (CH2)	Once a year, as needed	Celebrate Hilton Head (CH2)
			Town’s website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
			Website- wealth of information on this topic	FEMA	Year round	FEMA
			Website- wealth of information on this topic	S.C. Sea Grant Consortium	Year round	S.C. Sea Grant Consortium
			Town’s Twitter page	Emergency Management Coordinator	As needed	N/A
			Newsletter	Port Royal POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Port Royal POA
Palmetto Hall Reporter Newsletter	Palmetto Hall POA	Mailed out once a year, and as needed	Palmetto Hall POA			
Website – Disaster Evacuation & Recovery Guide	Palmetto Hall POA	Year round	Palmetto Hall POA			

1. Entire Island		Website-Disaster Evacuation & Recovery Guidelines	Shipyards POA	Year round	Shipyards POA
		Newsletter- Hurricane Preparedness	Long Cove POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Long Cove POA
		Plantation Living Newsletter	Hilton Head Plantation POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Hilton Head Plantation POA
		Website – Hurricane Preparedness Guide	Hilton Head Plantation POA	Year round	Hilton Head Plantation POA
		Hurricane Information Meeting with property owners	Hilton Head Plantation POA	Once a year and as needed	Hilton Head Plantation POA
		Website- information on this topic	Native Island Business and Community Affairs Association www.NIBCAA.org	Year round	NIBCAA
		Website- Hurricane preparedness and drinking water safety	Hilton Head PSD#1	Year round	Hilton Head PSD#1
		Website- Emergency Preparedness Guide and Emergency Evacuation Information brochures	Palmetto Breeze Transportation	Year round	Palmetto Breeze Transportation
		Website- Hurricane and Emergency Preparedness	South Carolina Department of Health and Environmental Control www.scdhec.gov	Year round	SCDHEC
		Website- Hurricane and Emergency Preparedness	American Red Cross Palmetto SC Region	Year round	American Red Cross Palmetto SC Region
		Brochure – Emergency Evacuation Information	Palmetto Breeze Transportation	On displays year round	Palmetto Breeze Transportation
		Website- wealth of information and brochures on hurricane preparedness, warnings and evacuation	Beaufort County Emergency Management Division	Year round	Beaufort County Emergency Management Division
		Brochure – Hurricane Preparedness	Beaufort County Emergency Management Division	On displays year round	Beaufort County Emergency Management Division
		2 Brochures (Safety First- Disaster Preparedness and Flood Cleanup)	Community Development Department	On display at Town Hall year round	International Code Council
		2 Brochures- Hurricane Season Flooding and Flooding: Our Nations' Most Frequent and Costly Natural Disaster	CRS Coordinator	On display at Town Hall year round	www.FloodSmart.gov
	Brochure - Citizens Guide to Emergency Preparedness	Emergency Management Coordinator	On display at Town Hall and Fire Rescue year round and	Hilton Head Library, Deep Well	

1. Entire Island					handed out at events and with every presentation on a regular basis, on Town's website	
			Interview with news station	Emergency Management Coordinator	Once a year, as needed	WTOC
			Refrigerator magnets	Fire Marshall and Emergency Management Coordinator	Handed out at events, trainings and on display at Fire Rescue	N/A
			Project WET "Floods" Activity Booklet	CRS Coordinator, Sustainability Coordinator	On display at Town Hall, handed out at events and school presentations	Schools
	<p><u>Topic #4.</u> Protect your property from the hazard.</p> <p>Messages: Retrofit or elevate your home to reduce future drainage problems and flood damage. Store irreplaceable items and valuables in an area safe from flooding. Contact staff at 843-341-4757 to find out if grant assistance is available to help raise your house above the flood level. Contact staff to find out what steps should be taken to protect your property. Raising your furnace and utilities can save you a lot of money the next time it floods. Keep debris and trash out of streams and ditches.</p>	<p>People will retrofit their homes to protect them from flooding.</p> <p>Decrease the amount of structures below the BFE.</p> <p>Less damage to contents due to flooding.</p> <p>Increase the amount of inquiries to staff on retrofitting measures.</p> <p>Reduce the number of calls related to stream obstructions.</p>	Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library
			E-subscription messages	Emergency Management Coordinator	Quarterly message and as needed	N/A
			Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A
			3 FEMA brochures – Build Back Safer and Stronger, Flood Preparation and Safety and Homeowners Guide to Retrofitting	CRS Coordinator	On displays at Town Hall, library and Fire Rescue, handed out year round	FEMA, Hilton Head Library
			Annual home and garden show	CRS Coordinator, Floodplain Manager	March every year	Hilton Head Area Homebuilders Association
			Website- wealth of information on this topic	CRS Coordinator, Floodplain Manager will give the information to post	Year round	Hilton Head Area Homebuilders Association
			Promote NFIP Flood Smart website on Town's website	CRS Coordinator, IT Department	As needed	N/A
			No dumping signs	Stormwater Manager	Year round	N/A
			PSD bill statements	CRS Coordinator , Pete Nardi	Year round	Hilton Head PSD#1
			Website- Hurricane preparedness and protecting water heater	Hilton Head PSD#1	Year round	Hilton Head PSD#1
			Hargray Phone book- hurricane preparedness information	Hargray Communications	Printed once a year, used year round	Hargray Communications
Island Packet Hurricane Guide	Island Packet Newspaper	June 1 of every year	Island Packet Newspaper			
Newspaper articles on various hurricane, flood hazards and other topics	Island Packet Newspaper	As needed	Island Packet Newspaper			

1. Entire Island		Newspaper articles on various hurricane and flood hazard topics	The Bluffton Sun Newspaper	As needed	The Bluffton Sun
		Magazine articles on various hurricane and flood topics	Hilton Head Monthly Magazine	At least once a year, as needed	Hilton Head Monthly Magazine
		Town's website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
		Website- wealth of information on this topic	FEMA	Year round	FEMA
		Website- wealth of information on this topic	S.C. Sea Grant Consortium	Year round	S.C. Sea Grant Consortium
		Town's Twitter page	Emergency Management Coordinator	As needed	N/A
		Newsletter	Port Royal POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Port Royal POA
		Palmetto Hall Reporter Newsletter	Palmetto Hall POA	Mailed out once a year, and as needed	Palmetto Hall POA
		Website – Disaster Evacuation & Recovery Guide	Palmetto Hall POA	Year round	Palmetto Hall POA
		Website-Disaster Evacuation & Recovery Guidelines	Shipyards POA	Year round	Shipyards POA
		Plantation Living Newsletter	Hilton Head Plantation POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Hilton Head Plantation POA
		Website – Hurricane Preparedness Guide	Hilton Head Plantation POA	Year round	Hilton Head Plantation POA
		Hurricane Information Meeting with property owners	Hilton Head Plantation POA	Once a year and as needed	Hilton Head Plantation POA
		Website- information on this topic	Native Island Business and Community Affairs Association www.NIBCAA.org	Year round	NIBCAA
		Website- wealth of information and brochures on hurricane preparedness, warnings and evacuation	Beaufort County Emergency Management Division	Year round	Beaufort County Emergency Management Division
		Brochure – Hurricane Preparedness	Beaufort County Emergency Management Division	On displays year round	Beaufort County Emergency Management Division
		Brochure -Safety First- Disaster Preparedness	International Code Council	On display at Town Hall year round	International Code Council
	2 Brochures- Hurricane Season Flooding and Flooding: Our Nations' Most	CRS Coordinator	On display at Town Hall year round	www.FloodSmart.gov	

1. Entire Island			Frequent and Costly Natural Disaster				
			Brochure - Citizens Guide to Emergency Preparedness	Emergency Management Coordinator	On display at Town Hall and Fire Rescue year round and handed out at events and with every presentation on a regular basis, on Town's website	Hilton Head Library, Deep Well	
			Brochure – Substantially Improved or Damaged Buildings and the NFIP	Community Development Department	On display at Town Hall and the library year round	Hilton Head Library	
			Interview with news station	Emergency Management Coordinator	Once a year, as needed	WTOC	
				FRE (Flood Risk Evaluator) event- open to public at Town Hall. FRE staff will check elevation certificates, make owners aware of their flood risk, tell them how to retrofit and show how they can lower flood insurance	CRS Coordinator, Building Official, Paul Abrams with FRE	Once a year	SmartVent / FRE
		<p><u>Topic #5.</u> Build responsibly.</p> <p>Messages: Get a permit from the Town before you build, retrofit or repair your home or business. Please call the permit office at 843-341-4757 with any permitting questions. Know the rules on substantial damage and improvement. Follow Ordinance and Building Code requirements for construction and water quality standards. Use appropriate erosion and sediment control measures during construction.</p>	<p>Property owners will apply for a permit before they start filling or building.</p> <p>Fewer violation notices issued.</p> <p>Increase in number of elevation certificates on file with the Town.</p> <p>Increase in number of structures being built in compliance with codes and regulations.</p>	Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library
	E-subscription messages			Emergency Management Coordinator	Quarterly message and as needed	N/A	
	3 FEMA brochures – Build Back Safer and Stronger, Flood Preparation and Safety and Homeowners Guide to Retrofitting			CRS Coordinator	On display at Town Hall, Fire Rescue and the library year round and on website	FEMA, Hilton Head Library	
	Annual home and garden show			CRS Coordinator, Floodplain Manager	March every year	Hilton Head Area Homebuilders Association	
	Website- wealth of information on this topic			CRS Coordinator, Floodplain Manager will give the information to post	Year round	Hilton Head Area Homebuilders Association	
	Stormwater Kiosk at library			Sustainable Practices Coordinator	Year round	Hilton Head Library	
	Town's website- wealth of information on this topic			CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A	
	Website- wealth of information on this topic			FEMA	Year round	FEMA	

1. Entire Island			Website-Disaster Evacuation & Recovery Guidelines	Shipyards POA	Year round	Shipyards POA
			Newsletter	Port Royal POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Port Royal POA
			Website – Disaster Evacuation & Recovery Guide	Palmetto Hall POA	Year round	Palmetto Hall POA
			Website – Hurricane Preparedness Guide	Hilton Head Plantation POA	Year round	Hilton Head Plantation POA
			Website- information on this topic	Native Island Business and Community Affairs Association www.NIBCAA.org	Year round	NIBCAA
			2 Brochures – Building Green-Living Better and Benefits of Building Permits	International Code Council	On display at Town Hall year round	International Code Council
			2 Brochures- Hurricane Season Flooding and Flooding: Our Nations’ Most Frequent and Costly Natural Disaster	CRS Coordinator	On display at Town Hall year round	www.FloodSmart.gov
			Brochure - Citizens Guide to Emergency Preparedness	Emergency Management Coordinator	On display at Town Hall, library and Fire Rescue year round and handed out at events, on Town’s website	Hilton Head Library, Deep Well
			3 Brochures- On Line Permitting, Commercial Construction Permitting and Emergency Permitting	Community Development Department	On display at Town Hall year round	N/A
	<p><u>Topic #6.</u> Protect natural floodplain functions.</p> <p>Messages: Keep water clean, don’t dump in storm drains and ditches as they lead to waterways. Do not drain pools directly to streams or lagoons. Limit use of fertilizers and pesticides. Scoop the poop- keep pet waste off the beach and from entering waterways. Improve water quality with Green infrastructure. Use appropriate erosion and sediment control measures during construction. Maintain natural buffers along wetlands and the</p>	<p>Reduction in amount of dumping.</p> <p>Reduction of water pollution and improved water quality.</p> <p>Fewer violation notices issued.</p> <p>Increase in protection of natural habitat and wildlife.</p>	3 Brochures – Pet Waste & Water Quality, Landscape and Fertilizer Tips and Saving Water Outdoors	Sustainable Practices Coordinator	On display at Town Hall year round	Neighbors for Clean Water
			Stormwater Kiosk at library	Sustainable Practices Coordinator	Year round	Hilton Head Library, Clemson Extension, Lowcountry Institute, Port Royal Sound Foundation
			No dumping signs	Stormwater Manager	Year round	N/A
			“no dumping, drains to waterways” discs	Stormwater Manager	Year round	Neighbors for Clean Water
			presentations to schools	Sustainable Practices Coordinator	Several times a year to the public	Schools, Coastal Discovery Museum, HHI Audubon, POA’s other organizations
			Summer education camps	Boys and Girls Club	Once a year	Boys and Girls Club

1. Entire Island	beach. Know the benefits of planting more trees. Sea oats and other beach plants help stabilize our sand dunes; enjoy them but don't pick them! Protect the habitat of critical wildlife species. Observe our waterfront wildlife from a distance. Avoid marked turtle nesting areas and leave bird eggs and nests on the beach.		Newspaper articles on various hurricane, flood hazards and other topics such as sea turtle protection	Island Packet Newspaper	As needed	Island Packet Newspaper
			Magazine articles on various hurricane and habitat/wildlife protection topics	Hilton Head Monthly Magazine	At least once a year, as needed	Hilton Head Monthly Magazine
			Town's website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
			Sea Turtle Nest Patrol-nests are marked, notices to make public aware of project, monitored every night	Coastal Discovery Museum, Community Development Department	Every night from May-Oct every year	Coastal Discovery Museum
			Piping Plover Monitoring- document # of birds, location of feeding and resting. Signs posted at resting areas to make public aware	Community Development Department, IT Department	Monitors from Nov-March every year	N/A
			Educational land and water tours- Pinckney Island Wildlife Refuge, the beach, salt marsh. Various talks at museum- habitat, ACE basin. Educational programs with school students and youth organizations	Coastal Discovery Museum	Programs occur year round, brochure on programs on display at Town Hall	Coastal Discovery Museum
			Sea Turtle Talk-lecture and walk on the beach	Coastal Discovery Museum	Several times a week from June-Aug every year	Coastal Discovery Museum
			Brochure- The Loggerhead Sea Turtle	Coastal Discovery Museum	On display and handed out year round	Coastal Discovery Museum
			Brochure- The Loggerhead Sea Turtle	Community Development Department	On display at Town Hall year round	N/A
			Piping Plover Monitoring presentations- about project and what public can do to help protect shorebirds	Community Development Department	At least once a year	Hilton Head Island Audubon Society, Coastal Discovery Museum
			Water Quality Monitoring presentations	Stormwater Department, Community Development Department	As needed	Hilton Head Island Audubon Society, Palmetto Dunes Lagoon Committee
			Website- wealth of information on this topic	FEMA	Year round	FEMA
Website- information on Animals in the Environment	Palmetto Hall POA	Year round	Palmetto Hall POA			

1. Entire Island			Website-information on alligators and their habitat, rain gardens, rain barrels, stormwater and pollution and septic systems	Shipyard POA	Year round	Shipyard POA
			Website- blurb on protecting sea turtles	Palmetto Dunes POA	Year round	Palmetto Dunes POA
			Website- information on this topic	Native Island Business and Community Affairs Association www.NIBCAA.org	Year round	NIBCAA
			Broad Creek Cleanup	The Outside Foundation and volunteers	At least once a year	The Outside Foundation
			Brochure – Building Green-Living Better	International Code Council	On display at Town Hall year round	International Code Council
			Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town’s website, handed out at events	Hilton Head Library
			DHEC’s adopt a beach program- beach cleanup	DHEC	Year round	Beach Properties, Kappa Alpha Psi, HH High School Science Department, Collins Group Realty, USCB Environmental Club, Sea Pines Resort, Westin Resort
			Educational presentations and projects (rain barrels, soil tunnels, water conservation)	Beaufort Conservation District	Several times a year to various Hilton Head schools	Beaufort Conservation District
			Informational Signs- Jarvis Creek Park, Honey Horn, Fish Haul Park, Broad Creek Boat Ramp, Shelter Cove Park, Surfwatch, Green Shell Park	Community Development Department	Year round	N/A
			Slides on island wildlife and how to protect them- put on hotels and POA TV stations	Community Development Department	Year round	Hilton Head Hotels and POA’s
			Brochure- Backyard Buffers	Community Development Department	On display at Town Hall year round	DHEC
			Brochure- Beach Renourishment Project- Protecting & Sustaining Our Beaches	Community Development Department	On display at Town Hall during renourishment	Hilton Head Chamber of Commerce
		Brochure- Help Prevent Entanglement of marine Mammals and Turtles	Community Development Department	On display at Town Hall year round	NOAA Fisheries	

1. Entire Island			2 Brochures- Septic Systems and Using Riparian Buffers to Protect the Water Quality of Broad Creek	Community Development Department	On display at Town Hall year round	N/A		
			Brochure-Household Hazardous Waste	Community Development Department	On display at Town Hall year round	Water Environment Federation		
			2 Brochures- Share the Beach with South Carolina's Coastal Birds and Shorebirds at Rest	Community Development Department	On display at Town Hall year round	Audubon Society		
			5 Brochures- What is a Rain Barrel, What is a Rain Garden, Septic Systems, Trashing Our Environment, Better Manage Fats, Oil and Grease-Don't Clog our Communities Arteries!	Community Development Department	On display at Town Hall year round	Clemson		
			Website- information on this topic Neighbors For Clean Water	www.neighborsforcleanwater.org	Year round	Neighbors For Clean Water		
			Website- Lights Out for Sea Turtles and GOFER environmental protection Deborah Nettles with PECI	www.palmetto.coop	Year round	Palmetto Electric Coop		
			Island Ambassador Program-certified after attendance of 3 classes - Island Knowledge, Island Culture and Island Ecology. They educate hospitality professionals, library staff, Shore Beach Services, and hotel professionals on natural resources and wildlife in Island Ecology	Keri Olivetti, USCB Event Managementt and Hospitality Training	Year round	University of South Carolina Beaufort		
			Project WET "Floods" Activity Booklet	CRS Coordinator, Sustainability Coordinator	On display at Town Hall, handed out at events and school presentations	Schools		
			<p><u>Topic #7.</u> Disaster Preparedness.</p> <p>Messages: Know your evacuation route. Develop a safety plan for your family in case of evacuation. Assemble a survival kit in advance that has items such as first-aid kit, bottled water, flashlights, batteries, etc. Inventory and photograph your</p>	<p>More families will have evacuation plans and be prepared for a disaster.</p> <p>To have no injuries or fatalities related to a flooding event.</p> <p>Reduction in number of rescues and reduced calls to</p>	Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library
					E-subscription messages	Emergency Management Coordinator	Quarterly message and as needed	N/A
1 FEMA brochure – Flood Preparation and Safety	CRS Coordinator	On displays at Town Hall, library and Fire Rescue, handed out year round			FEMA, Hilton Head Library			

1. Entire Island	home and its contents and put important papers and insurance policies in a safe place away from potential flooding.	911 for non-life threatening emergencies. Better prepared to file claims and permits after a disaster.	Annual home and garden show	CRS Coordinator, Floodplain Manager	March every year	Hilton Head Area Homebuilders Association
			promote NFIP Flood Smart website on Town's website	CRS Coordinator, IT Dept.	As needed	N/A
			"Our Town" Newsletter	Administration Department	Summer every year	N/A
			Public Service District outreach	CRS Coordinator, Pete Nardi	Year round	PSD#1
			Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A
			Business cards	CRS Coordinator	Year round	Hilton Head Library
			Hurricane conference	Emergency Management Coordinator	Once a year	N/A
			Faith based outreach	Emergency Management Coordinator	Once a year, as needed	Area churches
			Hargray Phone book-hurricane preparedness information	Hargray Communications	Printed once a year, used year round	Hargray Communications
			Island Packet Hurricane Guide	Island Packet Newspaper	June every year	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazard topics	Island Packet Newspaper	As needed	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazard topics	The Bluffton Sun Newspaper	As needed	The Bluffton Sun
			Magazine articles on various hurricane and habitat/wildlife protection topics	Hilton Head Monthly Magazine	At least once a year, as needed	Hilton Head Monthly Magazine
			Magazine articles on various hurricane preparedness topics	Celebrate Hilton Head (CH2)	Once a year, as needed	Celebrate Hilton Head (CH2)
			Town's website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
			Website- wealth of information on this topic	FEMA	Year round	FEMA
			Website- wealth of information on this topic	S.C. Sea Grant Consortium	Year round	S.C. Sea Grant Consortium
			Town's Twitter page	Emergency Management Coordinator	As needed	N/A
			Summer education camps	Boys and Girls Club	Once a year	Boys and Girls Club
			Newsletter	Port Royal POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Port Royal POA
Palmetto Hall Reporter Newsletter	Palmetto Hall POA	Mailed out once a year, and as needed	Palmetto Hall POA			

1. Entire Island		Website – Disaster Evacuation & Recovery Guide	Palmetto Hall POA	Year round	Palmetto Hall POA
		Website-Disaster Evacuation & Recovery Guidelines	Shipyards POA	Year round	Shipyards POA
		Newsletter- Hurricane Preparedness	Long Cove POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Long Cove POA
		Plantation Living Newsletter	Hilton Head Plantation POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Hilton Head Plantation POA
		Website – Hurricane Preparedness Guide	Hilton Head Plantation POA	Year round	Hilton Head Plantation POA
		Hurricane Information Meeting with property owners	Hilton Head Plantation POA	Once a year and as needed	Hilton Head Plantation POA
		Website- information on this topic	Native Island Business and Community Affairs Association www.NIBCAA.org	Year round	NIBCAA
		Website- Hurricane preparedness and drinking water safety	Hilton Head PSD#1	Year round	Hilton Head PSD#1
		Website- Hurricane and Emergency Preparedness	South Carolina Department of Health and Environmental Control www.scdhec.gov	Year round	SCDHEC
		Owner News – Newsletter- Hurricane preparedness	Dru Brown with Beach Properties of Hilton Head	Once a year, as needed	Beach Properties of Hilton Head
		Website- Emergency Preparedness Guide and Emergency Evacuation Information brochures	Palmetto Breeze Transportation	Year round	Palmetto Breeze Transportation
		Website- Hurricane and Emergency Preparedness	American Red Cross Palmetto SC Region	Year round	American Red Cross Palmetto SC Region
		Brochures – Emergency Evacuation Information	Palmetto Breeze Transportation	On displays year round	Palmetto Breeze Transportation
		Website- wealth of information and brochures on hurricane preparedness, warnings and evacuation, brochure on flood insurance	Beaufort County Emergency Management Division	Year round	Beaufort County Emergency Management Division
		Brochure – Hurricane Preparedness	Beaufort County Emergency Management Division	On displays year round	Beaufort County Emergency Management Division
		Brochure – 20 Questions to Ask Your Insurance Agent	Beaufort County Emergency Management Division	On displays year round	Beaufort County Emergency Management Division
	Brochure - Safety First- Disaster Preparedness	International Code Council	On display at Town Hall year round	International Code Council	

1. Entire Island			2 Brochures- Hurricane Season Flooding and Flooding: Our Nations' Most Frequent and Costly Natural Disaster	CRS Coordinator	On display at Town Hall year round	www.FloodSmart.gov
			Brochure – Pets and Disasters: Get Prepared	American Red Cross	On display at Town Hall year round	American Red Cross
			Brochure - Citizens Guide to Emergency Preparedness	Emergency Management Coordinator	On display at Town Hall and Fire Rescue year round and handed out at events and with every presentation on a regular basis, on Town's website	Hilton Head Library, Deep Well
			Brochure – Emergency Permitting	Community Development Department	On display at Town Hall, Fire Rescue and the library year round and on website	Hilton Head Library
			Interview with news station	Emergency Management Coordinator	Once a year, as needed	WTOC
			Refrigerator magnets	Fire Marshall and Emergency Management Coordinator	Handed out at events, trainings and on display at Fire Rescue	N/A
			Website- Staying Safe in the Storm	Deborah Nettles with PECE www.palmetto.coop	Year round	Palmetto Electric Coop
			Project WET "Floods" Activity Booklet	CRS Coordinator, Sustainability Coordinator	On display at Town Hall, handed out at events and school presentations	Schools
	<u>Topic #8.</u> Coastal Erosion Messages: Call the Town at 843-341-4757 to find out the hazard of purchasing or building on a beachfront property. Protect the dunes - don't build so close to the beach. Make sure you abide by the beachfront setbacks and buffers.	Reduction in number of flood losses. Keep the dunes intact so that they function as a protection against damage and destruction.	Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library
			promote NFIP Flood Smart website on Town's website	CRS Coordinator, IT Department	As needed	N/A
			E-subscription messages	Emergency Management Coordinator	Quarterly message and as needed	N/A
			Annual home and garden show	CRS Coordinator, Floodplain Manager	March every year	Hilton Head Area Homebuilders Association
			Coastal Erosion Hazards brochure	CRS Coordinator	On display at Town Hall, Fire Rescue and the library year round and on website	Hilton Head Library
			Town's website- information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
			Website- information on this topic	FEMA	Year round	FEMA

1. Entire Island	<p><u>Topic #9.</u> Flood Warning</p> <p>Messages: Know what processes are in place to inform you of a flood or hurricane warning.</p>	<p>More families will be prepared for a disaster.</p> <p>To have no injuries or fatalities related to a flooding event.</p> <p>Reduction in number of rescues and reduced calls to 911 for non-life threatening emergencies.</p>	Brochure- Coastal Hazards- Personal Safety Guidelines	CRS Coordinator	On display at Town Hall year round	www.weready.org
			Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library
			E-subscription messages	Emergency Management Coordinator	Quarterly message and as needed	N/A
			Hurricane conference	Emergency Management Coordinator	Once a year	N/A
			Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A
			Business cards	CRS Coordinator	Year round	Hilton Head Library
			"Our Town" Newsletter	Administration Department	Summer every year	N/A
			Faith based outreach	Emergency Management Coordinator	Once a year, as needed	Area churches
			Hargray Phone book- hurricane preparedness information	Hargray Communications	Printed once a year, used year round	Hargray Communications
			Island Packet Hurricane Guide	Island Packet Newspaper	June 1 every year	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazard topics	Island Packet Newspaper	As needed	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazard topics	The Bluffton Sun Newspaper	As needed	The Bluffton Sun
			Magazine articles on various hurricane and habitat/wildlife protection topics	Hilton Head Monthly Magazine	At least once a year, as needed	Hilton Head Monthly Magazine
			Magazine articles on various hurricane preparedness topics	Celebrate Hilton Head (CH2)	Once a year, as needed	Celebrate Hilton Head (CH2)
			Town's website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
			Website- wealth of information on this topic	FEMA	Year round	FEMA
			Website- wealth of information on this topic	S.C. Sea Grant Consortium	Year round	S.C. Sea Grant Consortium
			Town's Twitter page	Emergency Management Coordinator	As needed	N/A
Newsletter	Port Royal POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Port Royal POA			

			Palmetto Hall Reporter Newsletter	Palmetto Hall POA	Mailed out once a year, and as needed	Palmetto Hall POA
			Website – Disaster Evacuation & Recovery Guide	Palmetto Hall POA	Year round	Palmetto Hall POA
			Website-Disaster Evacuation & Recovery Guidelines	Shipyards POA	Year round	Shipyards POA
			Newsletter- Hurricane Preparedness	Long Cove POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Long Cove POA
			Plantation Living Newsletter	Hilton Head Plantation POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Hilton Head Plantation POA
			Website – Hurricane Preparedness Guide	Hilton Head Plantation POA	Year round	Hilton Head Plantation POA
			Hurricane Information Meeting with property owners	Hilton Head Plantation POA	Once a year and as needed	Hilton Head Plantation POA
			Website- information on this topic	Native Island Business and Community Affairs Association www.NIBCAA.org	Year round	NIBCAA
			Website- wealth of information and brochures on hurricane preparedness, warnings and evacuation, brochure on flood insurance	Beaufort County Emergency Management Division	Year round	Beaufort County Emergency Management Division
			Brochure – Hurricane Preparedness	Beaufort County Emergency Management Division	On displays year round	Beaufort County Emergency Management Division
			Brochure - Citizens Guide to Emergency Preparedness	Emergency Management Coordinator	On display at Town Hall and Fire Rescue year round and handed out at events and with every presentation on a regular basis, on Town's website	Hilton Head Library, Deep Well
			Interview with news station	Emergency Management Coordinator	Once a year, as needed	WTOC
			Refrigerator magnets	Fire Marshall and Emergency Management Coordinator	Handed out at events, trainings and on display at Fire Rescue	N/A
			Project WET "Floods" Activity Booklet	CRS Coordinator, Sustainability Coordinator	On display at Town Hall, handed out at events and school presentations	Schools
<u>Topic #10.</u> What happens after the storm? Messages: Find out if it is safe to enter a building after a disaster or	To have no injuries or fatalities related to a flooding or disastrous event.	Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	Hilton Head Library	

	major flooding event. Get permits before you build back.	Increase in number of structures being repaired or rebuilt with permits.	Door hangers	CRS Coordinator, Disaster Recovery staff	As needed	N/A
			“Our Town” Newsletter	Administration Department	Summer every year	N/A
			Faith based outreach	Emergency Management Coordinator	Once a year, as needed	Area churches
			Business cards	CRS Coordinator	Year round	Hilton Head Library
			E-subscription messages	Emergency Management Coordinator	As needed	N/A
			1 FEMA brochure – Flood Preparation and Safety	CRS Coordinator	On displays at Town Hall, library and Fire Rescue, handed out year round	FEMA, Hilton Head Library
			Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A
			Island Packet Hurricane Guide	Island Packet Newspaper	June 1 every year	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazards	Island Packet Newspaper	As needed	Island Packet Newspaper
			Newspaper articles on various hurricane and flood hazard topics	The Bluffton Sun Newspaper	As needed	The Bluffton Sun
			Magazine articles on various hurricane and flood related topics	Hilton Head Monthly Magazine	At least once a year, as needed	Hilton Head Monthly Magazine
			Magazine articles on various hurricane preparedness topics	Celebrate Hilton Head (CH2)	Once a year, as needed	Celebrate Hilton Head (CH2)
			Town’s website- wealth of information on this topic	CRS Coordinator, Emergency Management Coordinator, IT Department	Year round and as needed	N/A
			Website- wealth of information on this topic	FEMA	Year round	FEMA
			Website- wealth of information on this topic	S.C. Sea Grant Consortium	Year round	S.C. Sea Grant Consortium
			Town’s Twitter page	Emergency Management Coordinator	As needed	N/A
			Website- Hurricane and Emergency Preparedness	American Red Cross Palmetto SC Region	Year round	American Red Cross Palmetto SC Region
Website- Hurricane and Emergency Preparedness	South Carolina Department of Health and Environmental Control www.scdhec.gov	Year round	SCDHEC			
Newsletter	Port Royal POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Port Royal POA			

			Palmetto Hall Reporter Newsletter	Palmetto Hall POA	Mailed out once a year, and as needed	Palmetto Hall POA
			Website – Disaster Evacuation & Recovery Guide	Palmetto Hall POA	Year round	Palmetto Hall POA
			Website-Disaster Evacuation & Recovery Guidelines	Shipyards POA	Year round	Shipyards POA
			Plantation Living Newsletter	Hilton Head Plantation POA	Mailed out once a year, e-mail blasted out once a year, and as needed	Hilton Head Plantation POA
			Website – Hurricane Preparedness Guide	Hilton Head Plantation POA	Year round	Hilton Head Plantation POA
			Hurricane Information Meeting with property owners	Hilton Head Plantation POA	Once a year and as needed	Hilton Head Plantation POA
			Website- information on this topic	Native Island Business and Community Affairs Association www.NIBCAA.org	Year round	NIBCAA
			Brochure- Flood Cleanup	International Code Council	On display at Town Hall year round	International Code Council
			4 Brochures – After the Flood, Filing Your Flood Insurance Claim, Flooding: Our Nation’s Most Frequent and Costly Natural Disaster and Hurricane Season Flooding	CRS Coordinator	On display at Town Hall year round	www.FloodSmart.gov
			Brochure - Citizens Guide to Emergency Preparedness	Emergency Management Coordinator	On display at Town Hall and Fire Rescue year round and handed out at events and with every presentation on a regular basis, on Town’s website	Hilton Head Library, Deep Well
			Brochures – Emergency Permitting	Community Development Department	On display at Town Hall, Fire Rescue and the library year round and on website	Hilton Head Library
			Refrigerator magnets	Fire Marshall and Emergency Management Coordinator	Handed out at events, trainings and on display at Fire Rescue	N/A
			Website- Staying Safe in the Storm	Deborah Nettles with PECE www.palmetto.coop	Year round	Palmetto Electric Coop
		Increase in the number of flood insurance policies	Refrigerator Magnets	CRS Coordinator	Mailed once a year in the Spring to V Zone properties	N/A
		To have no injuries or fatalities related to a flooding event.	Sea turtle brochure	CRS Coordinator, Code Enforcement Division	Mailed once a year in the Spring to V Zone properties, Code Enforcement mails once a year to beachfront rental properties	N/A

1. V Zone Properties	<u>Topics 2, 3, 6 and 8.</u>	Decrease the number of rescues and reduce calls to 911 for non-life threatening emergencies.	Coastal Erosion Hazards brochure	CRS Coordinator	Mailed once a year in the Fall to V Zone properties	N/A
		Increase in protection of natural habitat and wildlife from rental community. Reduction in number of flood losses. Keep the dunes intact so that they function as a protection against damage and destruction.	Sea Turtle Door Hangers	Code Enforcement Division	Placed on beachfront doors before Sea Turtle season once a year	N/A
			Brochure – Why You Need Flood Insurance	FEMA	Mailed once a year in the Summer to V Zone properties	FEMA
2. Hispanic Population	<u>All ten topics</u>	Help the Spanish population be aware of flood hazards, the importance of flood insurance, how to protect themselves and their property from flood events, disaster preparedness and recovery, etc.	Annual brochure in Spanish	CRS Coordinator	On display at Town Hall, Fire Rescue and the library year round and on website	Hilton Head Library
			Brochure - Citizens Guide to Emergency Preparedness in Spanish	Emergency Management Coordinator	On display at Town Hall, library and Fire Rescue year round and handed out at events, on Town's website	Hilton Head Library, Deep Well
			2 FEMA brochures in Spanish (Flood Preparation and Safety and Why You Need Flood Insurance)	CRS Coordinator	On displays at Town Hall and Fire Rescue Headquarters, handed out year round	FEMA, Hilton Head Library
			Website-brochures on hurricane preparedness and flood insurance in Spanish	Beaufort County Emergency Management Division	Year round	Beaufort County Emergency Management Division
			Brochure – Hurricane Preparedness in Spanish	Beaufort County Emergency Management Division	On displays year round	Beaufort County Emergency Management Division
			Brochure – 20 Questions to Ask Your Insurance Agent in Spanish	Beaufort County Emergency Management Division	On displays year round	Beaufort County Emergency Management Division
			Website – link to Beaufort County Emergency Management Division, with brochures on emergency preparedness and hurricane information in Spanish	Palmetto Breeze Transportation	Year round	Palmetto Breeze Transportation
			Brochure- Family Emergency Preparedness in Spanish	Community Development Department	On display at Town Hall year round	American Red Cross
			Refrigerator magnets in Spanish	Fire Marshall and Emergency Management Coordinator	Handed out at events and trainings	N/A

			Magazine articles on flood hazards, emergency preparedness and hurricane information	CRS Coordinator, Eric Esquivel-La Isla Magazine	Year round	La Isla Magazine
3. Rental Community	<p><u>Topics 2, 3, 4, 6, 7, 9 and 10.</u></p> <p>Messages: Renters should purchase flood insurance for their contents.</p> <p>General flood safety such as turn around, don't drown, stay out of flooded waters, etc.</p> <p>Store irreplaceable items and valuables in an area safe from flooding.</p> <p>Protect habitat of critical wildlife and species.</p> <p>Know your evacuation route. Develop a safety plan for your family in case of evacuation. Assemble a survival kit in advance that has items such as first-aid kit, bottled water, flashlights, batteries, etc.</p> <p>Know what processes are in place to inform you of a flood or hurricane warning.</p> <p>Find out if it is safe to enter a building after a disaster or major flooding event.</p>	<p>Increase in the number of flood insurance policies for non-property owners.</p> <p>Decrease the number of rescues and reduce calls to 911 for non-life threatening emergencies.</p> <p>Less damage to contents due to flooding.</p> <p>Increase in protection of natural habitat and wildlife from rental community.</p> <p>More renters will have evacuation plans and be prepared for a disaster.</p> <p>To have no injuries or fatalities related to a flooding or disastrous event.</p>	Letter to property management companies	CRS Coordinator	Spring of every year	N/A
			Visit to 62 hotels and rental companies to speak about lighting requirements and sea turtle protection	Community Development Department and Code Enforcement Division	Spring of every year	N/A
			Town Council special meeting on promoting flood insurance	CRS Coordinator	Spring of every year	Town Councilman
			Refrigerator Magnets	CRS Coordinator	Year round	Property Management Companies
			Business cards	CRS Coordinator	Given to rental properties Spring every year and on displays year round	Property Management Companies, Hilton Head Library
			Sea turtle brochure	Code Enforcement Division	Mailed once a year prior to Sea Turtle season	N/A
			Sea Turtle Door Hangers	Code Enforcement Division	Placed on beachfront doors once a year prior to Sea Turtle season	N/A
			Annual brochure	CRS Coordinator	Given to rental properties once a year and on displays year round	Property Management Companies, Hilton Head Library
			Vacation Rental News – Newsletter- flood insurance changes	Dru Brown with Beach Properties of Hilton Head	Once a year, as needed	Beach Properties of Hilton Head
			Brochure- The Loggerhead Sea Turtle	Coastal Discovery museum gives to Beach Properties of Hilton Head	Given to rental properties once a year	Beach Properties of Hilton Head, Coastal Discovery museum
			Brochure- Contents Coverage	CRS Coordinator	Given to rental properties in the Fall every year and on displays year round	www.FloodSmart.gov

4. Repetitive Loss Areas	<u>Topics 1, 2, 4 and 5</u>	Increase the amount of flood insurance policies	Letter to properties in mapped repetitive loss areas	CRS Coordinator	Fall of every year	N/A
		Reduce the amount of repetitive flood loss properties and flood insurance claims.				
		Decrease the amount of structures below the BFE.	Annual Flood Awareness brochure	CRS Coordinator	Mailed every July, on displays year round at Town Hall, Fire Rescue and the library, on Town's website, handed out at events	N/A
		Increase the amount of inquiries to staff on retrofitting measures and other flood information.				
		Increase in number of structures being built in compliance with codes and regulations.				
5. Real Estate, Mortgage and Insurance Companies	<u>Topics 1 and 2.</u>	Increase in the number of map information inquiries.	Educational opportunities with area realtors	CRS Coordinator, Floodplain Manager, Kristin Hayrinen with Hub International	Big meeting in August and several throughout the year with individual real estate companies	Hub International, Area realtors and the Hilton Head Area Association of Realtors
		Increase in the number of people utilizing the website for flood information.	Educational opportunities with area insurance companies	Floodplain Manager, Kristin Hayrinen with Hub International	Big two day meeting in May in downtown Bluffton and Lowes	SC Insurance Department
		Increase in the number of people getting flood information assistance from Town staff as well as from real estate, mortgage and insurance companies.	Real Estate Agents Brochure	CRS Coordinator	Given to Realtors to distribute year round	Area realtors and the Hilton Head Area Association of Realtors
			CRS Brochure – Mandatory Purchase of Flood Insurance	CRS Coordinator	Given to Realtors to distribute year round	Area realtors and the Hilton Head Area Association of Realtors
		Increase in the number of flood insurance policies.	2 FEMA brochures on flood insurance(Questions & Answers about Flood Insurance and Help Protect Your Customers New Home)	CRS Coordinator	Given to realtors at trainings year round	Area realtors and the Hilton Head Area Association of Realtors
			SmartVent training on elevation certificates and smart vents	CRS Coordinator, Zack Faulkner	Once a year	Paul Abrams with SmartVent
			Brochure- Flood Insurance Increase	Floodplain Manager	Distributed year round	Area realtors and the Hilton Head Area Association of Realtors
			“Road Show” presentation for DFIRM changes	Floodplain Manager, Kristin Hayrinen with Hub International	As requested by interested companies	Area realtors, mortgage brokers and insurance companies

6. Prospective Buyers	<p><u>Topic #1.</u> Know your flood hazard</p> <p>Messages: Know what flood zone your potential property is located in. Know your flood zone before you buy. Be informed of your potential risk of flood and the hazards associated with it.</p>	<p>Increase in the number of inquiries from prospective buyers asking about the flood designation and flood hazards of a property.</p> <p>Increase in the number of map information inquiries.</p> <p>Increase in the number of people utilizing the Town's website for flood information.</p>	Post Elevation Certificates on website	CRS Coordinator, IT Department	Year round	N/A
			Promote NFIP Flood Smart website on the Town's website	CRS Coordinator, IT Department	As needed	N/A
			Flood Disclosure on Purchase Agreements	Area realtors	Year round	Area realtors
			Website- flood hazard and flood insurance topics	South Carolina Realtors (SCR) www.screaltors.org	Year round	South Carolina Realtors (SCR)
	<p><u>Topic #2.</u> Insure your property for your flood hazard</p> <p>Messages: To purchase flood insurance talk to a local agent to get the best rate. Everyone should purchase flood insurance. Standard homeowner or commercial policies will not cover damage to structures or contents caused by flooding. You don't have to hold a mortgage in order to purchase flood insurance.</p>	<p>Increase in the number of people getting flood information assistance from Town staff and from realtors.</p> <p>Increase in flood insurance policies.</p>	Flood topics and flood insurance promotion in newsletters and on websites	CRS Coordinator	Year round	Area realtors and the Hilton Head Area Association of Realtors
			Real Estate Agents Brochure	CRS Coordinator	Given to Realtors to distribute year round	Area realtors and the Hilton Head Area Association of Realtors
			Website- flood hazard and flood insurance topics	National Association of Realtors www.realtor.org	Year round	National Association of Realtors
			Banks research potential property, if it's in a flood hazard area, requires buyer sign flood hazard notice	Mortgage Lenders Association of Greater Hilton Head	Year round	Mortgage Lenders Association of Greater Hilton Head
7. Builders, Contractors, Architects, Surveyors and Landscapers	<p><u>Topics 1, 4, 5, 6, 8 and 10.</u></p>	<p>Help the builders, contractors, architects and landscapers be more educated with flood hazards so they can assist their customers with knowing the flood hazards, obtain proper building permits, provide advice on retrofitting, protection of natural habitat, wildlife and dunes, decrease dumping and water pollution and have fewer violations.</p>	SmartVent training on elevation certificates and smart vents	CRS Coordinator, Paul Abrams	Once a year	Paul Abrams with SmartVent
			Educational opportunities	CRS Coordinator, Floodplain Manager	Once a year and as needed	Local builders, contractors, architects, landscapers
			Annual home and garden show	CRS Coordinator, Floodplain Manager	March every year	Hilton Head Area Homebuilders Association
			Website- wealth of information on retrofitting, building permits, elevation certificates	CRS Coordinator, Floodplain Manager will give the information to post	Year round	Hilton Head Area Homebuilders Association
			Flood and hurricane information in newsletters and on websites	CRS Coordinator	Year round	Local builders, contractors, architects, landscapers
			No dumping signs	Stormwater Manager	Year round	N/A
			"no dumping, drains to waterways" discs	Stormwater Manager	Year round	Neighbors for Clean Water
			Coastal Erosion Hazards brochure	CRS Coordinator	On display year round	Hilton Head Library
Flood Awareness Week	CRS Coordinator, Floodplain Manager	Every summer prior to hurricane season	N/A			

8. Property Owners Associations	<u>All ten topics</u>	Educate the POA's and the Native Island POA's so that they can help distribute information to their property owners on being aware of flood hazards, the importance of flood insurance, how to protect themselves and their property from flood events, disaster preparedness and recovery, etc.	Educational presentations on flood hazards, flood awareness, and building responsibly	CRS Coordinator, Floodplain Manager	Once a year to each POA and neighborhood association, and as needed	Area POA's
			Presentations at POA meetings on hurricane preparedness and disaster recovery	Emergency Management Coordinator	Once a year to each POA	Area POA's
			Flood and hurricane information in POA Newsletters and on websites	CRS Coordinator	Year round	Area POA's
9. Private Sector Partners	<u>Topics 7, 9 and 10</u>	To have no injuries or fatalities related to a flooding or disastrous event. More families will be prepared for a disaster. Reduction in number of rescues and reduced calls to 911 for non-life threatening emergencies.	Meeting with private sector partners	Emergency Management Coordinator, CRS Coordinator, Engineering Division	Once a year in June and as needed	N/A

FLOOD RESPONSE PREPARATION PROJECTS

Target Audience			Projects	Assignment	Schedule	Stakeholder	
	<u>Topic #3.</u> Protect people from the hazard. Messages: Don't enter a flooded building until it has been cleared by an inspector. After a flood, follow proper safety precautions before using your food, water supply and septic system.	To have no injuries or fatalities related to a flooding event. Decrease the number of rescues and reduce calls to 911 for non-life threatening emergencies. Maintain public health throughout the cleanup period after a flood event.	Door hangers	CRS Coordinator	Staff will distribute in the field after a flood event	N/A	
			E-subscription messages	Emergency Management Coordinator	Released at first flood or hurricane notice and as needed during a storm	N/A	
			Evacuation Door hangers (in Spanish also)	Emergency Management Coordinator	Staff will distribute in the field if an evacuation is ordered	N/A	
	<u>Topic #4.</u> Protect your property from the hazard. Messages: Mitigate or elevate your home to reduce future flood damage. Contact staff to find out if grant assistance is available.	Decrease the amount of structures below the BFE. Increase the amount of inquiries to staff on retrofitting measures.		Press Releases (TV, Radio, Twitter)	Emergency Management Coordinator	Released at first flood or hurricane notice and as needed during a storm	N/A
				Town's website	Emergency Management Coordinator, IT Department	Released at first flood or hurricane notice and as needed during a storm	N/A
				Brochure- Citizen's Guide to Emergency Preparedness (in Spanish also)	Emergency Management Coordinator	Staff will distribute in the field after a flood event. It is also on website	N/A
				Brochures – Emergency Permitting, Homeowners	CRS Coordinator, Community Development Department	Staff will distribute in the field after a flood event	N/A

1. Entire Island		Fewer violation notices issued.	Guide to Retrofitting, Build Back Safer and Stronger, Flood Cleanup, After the Flood, Filing Your Flood Insurance Claim (some in Spanish also)			
	<u>Topic #5.</u> Build responsibly. Messages: Get a permit from the Town before you build, retrofit or repair your home or business. Mitigate while you repair.	Increase in number of structures being built in compliance with codes and regulations.	Inspection Placards	Community Development Department	Staff will post on doors during damage assessment after a flood event	N/A
	<u>Topic #10.</u> What happens after the storm? Messages: Find out if it is safe to enter a building after a disaster or major flooding event. Get permits before you build back.	Increase in number of structures being repaired or rebuilt with permits.				



TOWN OF HILTON HEAD ISLAND

ITEMS OF INTEREST

JANUARY 15, 2019

TOWN NEWS

- Hilton Head Public Sewer District recently completed the installation of eight (8) new fire hydrants as part of the new program initiated this past budget year. The Town, per the agreement, provided funding in the amount of \$50,000 in FY19 to support HHPSD in this program. Fire Rescue and HHPSD will identify additional locations and request funding to continue the program in the next fiscal year.

TOWN OF HILTON HEAD ISLAND MEETINGS

- Planning Commission – Wednesday, January 16, 2019 – 3:00 p.m.
- Public Facilities Committee – Monday, January 28, 2019 – 9:00 a.m.
- Finance and Administrative – Tuesday, February 19, 2019 – 2:00 p.m.
- Town Council Regular Session – Tuesday, February 19, 2019 – 4:00 p.m.

Meetings are subject to change and/or cancellation. Please visit the Town's website at www.hiltonheadislandsc.gov for meeting dates and times.

TOWN HALL ANNOUNCEMENTS

- In observance of Martin Luther King, Jr. Day, the Town's Administrative Offices will be closed on Monday, January 21, 2019.

HILTON HEAD ISLAND EVENTS

- Martin Luther King, Jr. Celebration – Monday, January 21, 2019 – 10:30 a.m. - 1:30 p.m. at Hilton Head Island High School
- A Walk for Recovery – Saturday, January 26, 2019, 12:00 p.m. – 4:00 p.m. at Coligny Beach
- Hood to Coast Hilton Head – Saturday, February 2, 2019 - 6:30 a.m. – 5:00 p.m. at the Beach House Resort
- Hilton Head Marathon – Saturday, February 9, 2019 – 8:00 a.m. – 2:00 p.m. at Jarvis Creek Park
- Hilton Head Island Gullah Celebration – Saturday, February 16, 2019 – 11:00 a.m. – 5:00 p.m. at Honey Horn



For more events taking place on the Island, please visit the Town's Office of Cultural Affairs Events page at www.culturehhi.org/events/.

MEMORANDUM

TO: Town Council
FROM: Brian Hulbert, Staff Attorney
Via: Stephen G. Riley, ICMA-CM, Town Manager
Josh Gruber, Assistant Town Manager

RE: Proposed Ordinance Number 2019-01 Agenda and Order of Business

DATE: January 3, 2019

At the First Reading of the Proposed Ordinance 2019-01 on January 2, Town Council made no changes to the proposed ordinance amendment.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO.

PROPOSED ORDINANCE NO. 2019-01

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, TO AMEND TITLE 2 GENERAL GOVERNMENT AND ADMINISTRATION OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA BY AMENDING CHAPTER 5 (MEETINGS OF COUNCIL AND RULES OF PROCEDURE) SECTION 2-5-50, AGENDA AND ORDER OF BUSINESS AND SECTION 2-5-70 APPEARANCE BY CITIZENS AND ADDING SECTION 2-5-80 (RULES OF DECORUM); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinances 1983-5, 1994-09, 2002-01, 2008-03, 2015-21, 2016-03, and 2017-01 to address the setting of agendas and the order of business for Town Council meetings for the efficient operation of the Town Council; and

WHEREAS, the Town Council now desires to amend Section 2-5-50 and 2-5-70 to provide for an efficient operation of the Town Council meetings that will benefit both the Town and its citizens; and

WHEREAS, the Town Council now desires to add Section 2-5-80 to provide rules of decorum that will provide for a more efficient and professional operation of the Town Council meetings that will benefit both the Town and its citizens.

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

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

Section 1. Sec. 2-5-50. – Agenda and order of business.

- (a) Matters to be considered at a regular meeting or called special meeting, except a called emergency special meeting, of council shall be placed on a written agenda and conform to the order of business of council.
- (b) The municipal clerk shall post the agenda on the Town website and on a bulletin board in a publicly accessible place at Town Hall or at the meeting place of the Town Council as early as is practicable but not later than 24 hours before the meeting.

- (c) Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this section, no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken may only be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.
- (d) The **Mayor may, but shall not be required to, call** the order of business of council ~~shall be~~ as follows:
- (1) Call to order by presiding officer.
 - ~~(2) Executive Session.~~
 - ~~(3)~~**(2)** Pledge of allegiance.
 - ~~(4)~~**(3)** Invocation.
 - ~~(5) Proclamations.~~
 - ~~(6)~~**(4)** Reading of minutes of previous meeting, their consideration and approval.
 - ~~(7)~~**(5)** Reports from municipal officers.
 - ~~(8)~~**(6)** Reports of council.
 - ~~(9)~~**(7)** Reports of committees.
 - ~~(10)~~**(8)** Appearances by citizens.
 - (9) Consent Agenda**
 - (10) Proclamations.**
 - (11) Unfinished business.
 - (12) New business.
 - (13) **Executive Session.**
 - ~~(13)~~ **(14) Possible actions by Town Council concerning matters discussed in executive session.**
 - ~~(14)~~ **(15) Adjournment.**
- (e) If it is desired to transact business out of its order, it shall be necessary to suspend the rules by a vote of a majority of members present.
- (f) ~~Executive Sessions, if necessary, for regular meetings shall begin at 4:00 pm and end no later than 5:00 pm.~~ The pledge of allegiance and the ~~public portion of the regular~~ meeting shall begin at ~~5:00~~ **4:00** pm and end no later than 8:00 pm. The Mayor shall have the discretion to extend the meeting if circumstances warrant. Council may ~~reenter~~ Executive Session at any time during the public portion of the meeting if a majority of Council determines it necessary **pursuant to section (c) above.**

Sec. 2-5-70. - Appearance by citizens.

- (a) Any citizen of the town shall be entitled to appear before the council at any regular meeting during the appearance by citizens portion of the agenda to present any matters pertaining to the town.
- (b) Citizens shall be entitled to address council on a specific agenda item during the old business or new business portions of the agenda after council has concluded its discussion on such item, but prior to a council vote.
- (c) Citizens desiring to ~~make a presentation~~ **present a matter** at a regular meeting must notify the town receptionist or the presiding officer by twelve o'clock (12:00) noon on the date of such meeting. **Notice must be given prior to each separate meeting at which they desire to address council.** Citizens desiring to address council on an agenda item during the old business or new business portions of the agenda need not provide notification. No person shall address the council without first being recognized by the mayor.
- (d) Each person addressing the council during the appearance by citizens portion on the agenda, **or during the specific agenda discussion**, shall step up to the place provided for the use of the public and give his name and address in an audible tone of voice for the records, state the subject he wishes to discuss, state whom he is representing and if he represents an organization or other persons, present the authority for such right to speak on the subject matter on behalf of an organization or other persons.
- (e) Unless further time is granted by majority vote of the council, he shall limit his remarks to three (3) minutes. All remarks shall be addressed to the council as a whole and not to any member thereof.
- (f) No person other than members of the council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the mayor.
- (g) No question may be asked a council member without the permission of the mayor.
- ~~(h) When council decides that a public hearing should be held, notice of such hearings shall be announced in council and an announcement and agenda posted outside the Town Hall and such other places deemed appropriate, at least three (3) days (seventy two (72) hours) preceding the hearing, or such other notice as may be required by law.~~
- ~~(h)~~ **(h)** Public hearings may be a part of a regular meeting when appropriate or can be the sole subject of a called special meeting.
- ~~(j)~~ **(i)** Those persons desiring to make presentations at publicly noticed hearings at either regular or special meetings may so indicate by completing and presenting to the clerk, prior to the start of a hearing, a request to be heard. Such presentations must deal only with the subject of the hearing as indicated in the agenda. Deviation from this will

not be permitted. Where time permits, following the appearance of those who have filed requests to be heard, others desiring to be heard may so indicate by raising their hands and being recognized by the chair.

~~(k)~~ **(j)** In order to expedite matters at any public hearing and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the mayor to request that a spokesman be chosen by the group to address the council and, in case additional matters are to be presented by any other member of said group, to limit the number of such persons addressing the council.

~~(j)~~ **(k)** After a motion has been made or a public hearing has been closed, no member of the public shall address the council from the audience on the matter under consideration without first securing permission to do so by majority vote of the council.

Sec. 2-5-80. - Rules of decorum.

(1) Rules of decorum.

While any meeting of council is in session, the following rules of decorum shall be observed:

(a) Any person who speaks at a council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and shall not use any profane, abusive or obscene language nor any fighting words or otherwise engage in disorderly conduct. Any person who makes such remarks or otherwise engages in disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of a council meeting shall, at the discretion of the mayor, or in his absence, the mayor pro tempore, be barred from further audience before council during that meeting and may be removed from the building.

(b) Any law enforcement officer who is serving as security during the meeting of council shall carry out all orders and instructions given by the mayor or in his absence, the mayor pro tempore, for the purpose of maintaining order and decorum at the council meeting. Upon instruction of the mayor, or in his absence, the mayor pro tempore, it shall be the duty of such law enforcement officer to remove from the council meeting any person who is disturbing the proceedings of council.

(c) This section in no way limits any person from being charged or arrested for criminal conduct which occurs during the course of a council meeting or during the course of a person being removed from a council meeting pursuant to this section.

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 upon adoption thereof by the Town Council for 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 _____, 2019.

By: _____
John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



MEMORANDUM

TO: Town Council

FROM: Stephen G. Riley, ICMA-CM, Town Manager

VIA: Josh Gruber, Assistant Town Manager
John M. Troyer, CPA, Director of Finance

DATE: January 3, 2019

RE: **First Reading of Proposed Ordinance No. 2019-02
General Obligation Bond Ordinance for \$5,000,000**

Recommendation: Town Council approves first reading of Proposed Ordinance No. 2019-02 which establishes authority for issuing not to exceed \$5,000,000 in general obligation bonds to fund the Town's capital improvement plan (CIP).

Summary: Staff recommends that Council adopt this ordinance as the sole bond issue for FY 2019. This ordinance proposes to issue general obligation bonds primarily to complete the Town's sewer initiative as adopted in the Town's CIP.

Additional information on the bonds being sold can be found in the attached ordinance.

Background: The ordinance proposed in this series are for the following debt financing recommendations.

1. Ordinance 2019-02 proposes to fund the sewer initiative approved in the 2019 CIP. (The CIP not to exceed amount – \$3,320,000)
2. Ordinance 2019-02 also proposes to include additional funding of \$1,680,000 bond proceeds which will provide financing for capital projects to be financed long-term with general obligation bonds as presented and approved in the FY 2020 Capital Improvements Plan. This is preliminarily expected to be the additional Fire Station #2 funding and GO funding to complement the TIF funding (at least temporarily) for those planned projects contemplated in the approved TIF agreements. After very busy issuance seasons in FY 2017 and FY2018, this bond issue finishes out the Town's current financing needs, and allows a break from the capital markets as projects underway are completed.

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$5,000,000, SERIES 2019, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; FIXING THE FORM AND CERTAIN DETAILS OF THE BONDS; AUTHORIZING THE TOWN MANAGER OR HIS LAWFULLY AUTHORIZED DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; OTHER MATTERS RELATING THERETO; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council has been advised that the Town’s capital improvement plan includes several capital projects (the “Capital Projects”) that would appropriately be funded through the issuance of general obligation bonds; and

WHEREAS, the Town’s Administration has not yet determined the exact amount needed in order to fund the Capital Projects; and

WHEREAS, in order to authorize the issuance of general obligation bonds, the proceeds of which would be used to fund the Capital Projects, it is necessary for Town Council to enact an ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AS FOLLOWS:

SECTION 1. Findings and Determinations. The Town Council (the “Town Council”) of the Town of Hilton Head Island, South Carolina (the “Town”), hereby finds and determines:

- (a) The Town is an incorporated municipality located in Beaufort County, South Carolina, and as such possesses all powers granted to municipalities by the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”) and laws of the State of South Carolina (the “State”).
- (b) Article X, Section 14 of the Constitution provides that general obligation debt may be incurred by the governing body of each municipality of the State for any public and corporate purpose in an amount not exceeding eight (8%) percent of the assessed value of all taxable property of such municipality and upon such terms and conditions as the General Assembly may prescribe. Such Article further provides that if general obligation debt is authorized by a majority vote of the qualified electors of the municipality voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except as specified in such Article.
- (c) Title 5, Chapter 21, Article 5, Code of Laws of South Carolina, 1976, as amended (the “Municipal Bond Act”), provides that the municipal council of any municipality may issue general obligation bonds of such municipality for any corporate purpose of such municipality to any amount not exceeding the constitutional debt limitation applicable to such municipality.

(d) The Municipal Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended (the S.C. Code”), provides that if an election be prescribed by the provisions of the Municipal Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the Municipal Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) The assessed value of all the taxable property in the Town as of June 30, 2017, for purposes of computation of the Town’s constitutional debt limit, is \$938,429,000. Eight percent of such sum is \$75,074,320. As of the date hereof, the outstanding general obligation debt of the Town subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$48,835,000. Thus, the Town may incur \$26,239,320 of additional general obligation debt within its applicable debt limitation.

(f) Pursuant to Ordinance No. 2013-03 duly enacted by the Town Council on May 7, 2013, the Town has adopted Written Procedures Related to Tax-Exempt Debt.

(h) It is now in the best interest of the Town for the Town Council to provide for the issuance and sale of not to exceed \$5,000,000 aggregate principal amount general obligation bonds of the Town to provide funds for the purposes of funding capital improvements including but not limited to projects related to sewer systems, fire stations, parks, pathways, roadways and equipment acquisition for fire rescue (the “Projects”), and paying costs of issuance of the Bonds (hereinafter defined).

SECTION 2. Authorization and Details of the Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not to exceed \$5,000,000 general obligation bonds of the Town (the “Bonds”) for the purposes listed in Section 1(h) above.

The Bonds shall be issued as fully-registered Bonds; shall be dated their date of delivery; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of the Bonds maturing in each year; shall be numbered from R-1 upward; shall bear interest at such times as hereafter designated by the Town Manager or his lawfully authorized designee at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially in successive annual installments as determined by the Town Manager or his lawfully authorized designee. Regions Bank, Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.

SECTION 3. Delegation of Authority to Determine Certain Matters Relating to the Bonds. The Town Council hereby expressly delegates to the Town Manager the authority, with respect to the Bonds, to determine (a) the maturity dates and the respective principal amounts maturing on such dates; (b) the interest payment dates; (c) the redemption provisions, if any; (d) whether to publish notice of the adoption of this ordinance under the provisions of Section 11-27-40(8), of the S.C. Code; (e) the date and time of the sale; (f) whether the Bonds should be publicly traded or placed with a bank; and (g) such other matters as are necessary or appropriate. The Town Manager is further directed to consult with the Town’s financial advisor and bond counsel in making any such decisions.

The Town Council hereby further delegates to the Town Manager or his lawfully authorized designee the authority to receive bids on behalf of the Town Council and the authority to award the sale of the Bonds to the lowest bidder therefor, in accordance with the terms of the Notice of Sale for the Bonds, provided the true interest cost does not exceed 5.00%. After the sale of the Bonds, the Town Manager or

his lawfully authorized designee shall submit a written report to the Town Council setting forth the results of the sale of the Bonds.

SECTION 4. Registration, Transfer and Exchange of Bonds. The Town shall cause books (herein referred to as the “registry books”) to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the Town, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond the Registrar/Paying Agent on behalf of the Town shall issue in the name of the transferee a new fully-registered Bond or Bonds, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The Town and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Town nor the Registrar/Paying Agent shall be affected by any notice to the contrary. In all cases in which the privilege of transferring Bonds is exercised, the Town shall execute and the Registrar/Paying Agent shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. Neither the Town nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteenth (15th) day of the calendar month preceding an interest payment date on such Bonds.

SECTION 5. Record Date. The Town establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day (whether or not a business day) preceding an interest payment date on such Bond or, in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day (whether or not a business day) prior to the mailing of notice of redemption of Bonds.

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the Town shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the Town and the Registrar evidence or proof satisfactory to the Town and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity as may be required by the laws of the State or such greater amount as may be required by the Town and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and

shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

SECTION 7. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 8. Execution of Bonds. The Bonds shall be executed in the name of the Town with the manual or facsimile signature of the Mayor of the Town attested by the manual or facsimile signature of the Town Clerk under the seal of the Town which shall be impressed, imprinted or reproduced thereon. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar/Paying Agent in substantially the form set forth herein.

SECTION 9. Security for the Bonds. The full faith, credit, taxing power and resources of the Town are hereby irrevocably pledged for the payment of the principal and interest of the Bonds as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof. There shall be levied and collected annually upon all taxable property of the Town an ad valorem tax, without limitation as to rate or amount, sufficient for such purposes. The Town at its option may also utilize any other funds available therefor for the payment of the principal of and interest on the Bonds.

SECTION 10. Defeasance. The obligations of the Town herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) such Bond or Bonds shall have been purchased by the Town and surrendered to the Town for cancellation or otherwise surrendered to the Town or the Paying Agent and is canceled or subject to cancellation by the Town or the Paying Agent; or

(b) payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with the Paying Agent in trust and irrevocably set aside exclusively for such payment (1) moneys sufficient to make such payment or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the Paying Agent. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

(i) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;

(ii) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”); and

(iii) a defeasance obligation as defined in Section 6-5-10 of the S.C. Code as such may be amended from time to time.

(c) Such Bond of Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

The Town has reserved the right to modify this definition to conform to amendments in State law regarding legal investments of public funds.

SECTION 11. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the S.C. Code, from all State, county, municipal, Town and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 12. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Bonds becomes due, the Paying Agent, on behalf of the Town, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the Town has advised DTC of its determination that DTC is incapable of discharging its duties, the Town shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the Town of the Initial Bonds together with an assignment duly executed by DTC, the Town shall execute and deliver to the successor securities depository bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the Town is unable to retain a qualified successor to DTC or the Town has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the Town undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the Town of the Initial Bonds together with an assignment duly executed by DTC, the Town shall execute, authenticate and deliver to the DTC participants bonds in fully-registered form in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

SECTION 13. Sale of Bonds, Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale shall be distributed to prospective bidders and a summary of such Notice shall be published in a newspaper having general circulation in the State or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale in substantially the form attached hereto as Exhibit B and incorporated herein by reference.

SECTION 14. Preliminary and Final Official Statement. The Town Council hereby authorizes and directs the Town Manager or his lawfully authorized designee to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The Town Council authorizes the Town Manager or his lawfully authorized designee to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission (the “Rule”). The Town Manager or his lawfully authorized designee is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchasers of the Bonds.

SECTION 15. Filings with Central Repository. In compliance with Section 11-1-85 of the S.C. Code, as amended, the Town covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the Town within thirty (30) days of the Town's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the Town or the Town's tax base.

SECTION 16. Continuing Disclosure. In compliance with the Rule, the Town covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Continuing Disclosure Certificate in substantially the form attached hereto and incorporated herein by reference as Exhibit C. In the event of a failure of the Town to comply with any of the provisions of the Continuing Disclosure Certificate, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Town.

SECTION 17. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Town in a special fund and shall be applied solely to the purposes for which the Bonds have been issued, including payment of costs of issuance of the Bonds, except that the premium, if any, shall be placed in a sinking fund for the Bonds.

SECTION 18. Tax Covenants. The Town hereby covenants and agrees with the holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the holders of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder (the “Code”) in effect on the date of original issuance of the Bonds. The Town further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the Code, and to that end the Town hereby shall:

- (i) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;

(ii) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and

(iii) make such reports of such information at the time and places required by the Code.

SECTION 19. Declaration of Intent to Reimburse Certain Expenditures. This Ordinance shall constitute the Town's declaration of official intent pursuant to Regulation §1.150-2 of the Code to reimburse the Town from a portion of the proceeds of the Bonds for expenditures it anticipates incurring (the "Expenditures") with respect to the Referendum Projects set forth in Section 2(f) hereof prior to the issuance of the Bond. The Expenditures which are reimbursed are limited to Expenditures which are: (a) properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Regulation §1.150-2 of the Code) under general federal income tax principals; or (2) certain de minimis or preliminary Expenditures satisfying the requirements of Regulation §1.150-2(f) of the Code. The source of funds for the Expenditures with respect to these projects will be the Town's reserve funds. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid; or (b) the date such projects were placed in service, but in no event more than three (3) years after the original Expenditures.

SECTION 20. Miscellaneous. The Town Council hereby authorizes the Mayor and the Town Clerk, the Town Manager, the Director of Finance and any lawfully authorized designee to execute such documents and instruments as may be necessary to effect the issuance of the Bonds or make modifications in any documents including but not limited to the form of the Bond or Notice of Sale, if necessary. The Town Council hereby retains Burr & Forman, LLP (Burr Forman McNair) as bond counsel and Stifel, as financial advisor in connection with the issuance of the Bonds. The Town Manager is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

SECTION 21. 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 22. Codification. This Ordinance shall be forthwith codified in the Code of Town Ordinances in the manner required by law.

SECTION 23. Effective Date. This Ordinance shall be effective upon its enactment by the Town Council of the Town of Hilton Head Island, South Carolina.

[Signature Page follows]

PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA ON THIS ___ DAY OF _____, 2019.

John J. McCann, Mayor

ATTEST:

Krista Wiedmeyer
Town Clerk

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

First Reading: _____

Second Reading: _____

Introduced by Council Member:

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
THE TOWN OF HILTON HEAD ISLAND
\$ _____ GENERAL OBLIGATION BOND
SERIES _____

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
%			

REGISTERED HOLDER:

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that the Town of Hilton Head Island, South Carolina (the "Town"), is justly indebted and, for value received, hereby promises to pay to the registered holder named above, or registered assigns, the principal amount shown above on the maturity date shown above, upon presentation and surrender of this Bond at the principal office of _____ in _____ (the "Paying Agent"), and to pay interest on such principal sum from the date hereof at the interest rate per annum shown above until this Bond matures. Interest on this Bond is payable semiannually on _____ 1 and _____ 1 of each year commencing _____ 1, 20__, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the Town maintained by the registrar, presently _____ in _____ (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month next preceding each semiannual interest payment date. The principal and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully-registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance of the Town authorizing the Bonds, nor become valid or obligatory for any purpose, until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

For the payment of the principal and interest of this Bond as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment hereof, the full faith, credit, taxing power and resources of the Town are hereby irrevocably pledged, and there shall be levied and collected annually upon all taxable property of the Town an ad valorem tax, without limitation as to rate or amount, sufficient for such purposes.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Ordinance. One bond certificate with respect to each date on which the Bonds are stated to mature, registered in the name of the securities depository

nominee, is being issued and required to be deposited with the securities depository and immobilized in its custody. The book-entry system will evidence positions held in the Bonds by the securities depository's participants, beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof being evidenced in the records of such participants. Transfers of ownership shall be effected on the records of the securities depository and its participants pursuant to rules and procedures established by the securities depository and its participants. The Town and the Registrar/Paying Agent will recognize the securities depository nominee, while the registered owner of this bond, as the owner of this bond for all purposes, including payments of principal of and redemption premium, if any, and interest on this bond, notices and voting. Transfer of principal and interest payments to participants of the securities depository will be the responsibility of the securities depository, and transfer of principal, redemption premium, if any, and interest payments to beneficial owners of the Bonds by participants of the securities depository will be the responsibility of such participants and other nominees of such beneficial owners. The Town will not be responsible or liable for such transfers of payments or for maintaining, supervision or reviewing the records maintained by the securities depository, the securities depository nominee, its participants or persons acting through such participants. While the securities depository nominee is the owner of this bond, notwithstanding, the provision hereinabove contained, payments of principal of, redemption premium, if any, and interest on this Bond shall be made in accordance with existing arrangements between the Registrar/Paying Agent or its successors under the Ordinance and the securities depository.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, date of maturity, denomination, [redemption provisions] and rate of interest, aggregating _____ Dollars issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended, and Ordinance No. _____ duly enacted by the Town Council of the Town.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the Town kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The Town, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina (the "State"), this Bond and the interest hereon are exempt from all State, county, municipal, Town and other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the Town does not exceed the applicable limitation of indebtedness under the laws of the State; and, that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the Town sufficient to pay

the principal and interest of this Bond as they respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the Town, attested by the manual or facsimile signature of the Town Clerk and the seal of the Town impressed, imprinted or reproduced hereon.

TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

(SEAL)

Mayor

ATTEST:

Town Clerk

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This Bond is one of the bonds described in the within mentioned Ordinance of the Town of Hilton Head Island, South Carolina.

as Registrar

By: _____
Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - as tenants in common

UNIF GIFT MIN ACT -

TEN ENT - as tenants by the
entireties

_____ Custodian _____
(Cust) (Minor)

JT TEN - as joint tenants with
right of survivorship
and not as tenants in
common

under Uniform Gifts to
Minors Act _____
(state)

Additional abbreviations may also be used though not in above list.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto _____
(Name and Address of Transferee)

the within Bond and does hereby irrevocably constitute and appoint _____
_____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

(Authorized Officer)

Notice: Signature(s) must be guaranteed by an institution which is a participant in the registered Securities Transfer Agents Medallion Program ("STAMP") or similar program.

Notice: The signature to the assignment must correspond with the name of the holder as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

A copy of the final approving legal opinion to be rendered shall accompany each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the Town with a manual or facsimile signature of the Town Clerk in the following form:

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the final legal opinion (except for date and letterhead) of Burr & Forman LLP (Burr Forman McNair), Columbia, South Carolina, approving the issue of Bonds of which the within Bond is one, the original of which opinion was manually executed, dated and issued as of the date of delivery of and payment for the Bonds, and a copy of which is on file with the Town of Hilton Head Island, South Carolina.

THE TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

By _____
Town Clerk

FORM OF NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES _____
TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that proposals addressed to the undersigned will be received on behalf of the Town Council of the Town of Hilton Head Island, South Carolina (the "Town"), in Council Chambers, One Town Center Court, Hilton Head Island, South Carolina, until 11:00 a.m., South Carolina time, on _____, _____, at which time said proposals will be publicly opened for the purchase of _____ (\$ _____) General Obligation Bonds, Series _____ of the Town (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 20 ___, Town of Hilton Head Island, South Carolina" and should be directed to the Director of Finance at the address in the first paragraph hereof.

Electronic Bids: Electronic proposals must be submitted through i-Deal's Parity Electronic Bid Submission System ("Parity"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 40 W. 23rd Street, 5th floor, New York, New York 10010, Customer Support, telephone (212) 404-8102.

PROPOSALS MAY BE DELIVERED BY HAND OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE TOWN AT THE PLACE, DATE AND TIME APPOINTED, AND THE TOWN SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry-only form in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC. The Bonds will be dated _____ 1, _____ and will mature serially in successive annual installments on _____ 1 in each of the years and in the principal amounts as follows:

days after the award of the Bonds, the Town will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the Town within 24 hours after the award of the Bonds all necessary pricing information and any Underwriter identification necessary to complete the Official Statement.

Security: The Bonds shall constitute binding general obligations of the Town, and the full faith, credit, resources and taxing power of the Town are irrevocably pledged for the payment of the principal and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. There shall be levied and collected annually upon all taxable property of the Town a tax, without limitation as to rate or amount, sufficient for such purposes.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the Town will undertake, pursuant to an ordinance and a Continuing Disclosure Certificate, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The Town shall furnish upon delivery of the Bonds the final approving opinion of Burr & Forman LLP (Burr Forman McNair), Columbia, South Carolina, which opinion shall accompany each Bond, together with the usual closing documents, including a certificate that no litigation is pending affecting the Bonds.

Issue Price Certificate: The winning bidder shall assist the Town in establishing the issue price of the Bonds and shall execute and deliver to the Town at Delivery an “issue price” certificate setting forth the reasonably expected initial offering price to the public, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the Town and Bond Counsel. A sample copy of the certificate may be obtained from Burr & Forman LLP (Burr Forman McNair).

The Town intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the Bonds) will apply to the initial sale of the Bonds (the “Competitive Sale Requirements”) because:

- (1) the Town shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Town may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Town anticipates awarding the sale of the Bonds to the bidder who submits a firm offer to purchase the Bonds at the highest price (or lowest interest cost), as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Bonds, as specified in the bid.

In the event that the Competitive Sale Requirements are not satisfied, the Town shall so advise the winning bidder. The Town may determine to treat the initial offering price to the public as of the sale

date of the Bonds as the issue price of the Bonds (the “Hold-the-Offering-Price Rule”). The Town shall promptly advise the winning bidder, at or before the time of award of the Bonds, that the Bonds shall be subject to the Hold-the-Offering-Price Rule. Bids will not be subject to cancellation in the event that the Town determines to apply the Hold-the-Offering-Price Rule to the Bonds. Bidders should prepare their bids on the assumption that the Bonds will be subject to the Hold-the-Offering-Price Rule in order to establish the issue price of the Bonds.

By submitting a bid, the winning bidder shall (1) confirm that the underwriters have offered or will offer the Bonds to the public on or before the date of award at the offering price (the “Initial Offering Price”), or at the corresponding yield, set forth in the bid submitted by the winning bidder and (2) agree, on behalf of the underwriters participating in the purchase of the Bonds, that the underwriters will neither offer nor sell unsold Bonds to which the Hold-the-Offering-Price Rule shall apply to any person at a price that is higher than the Initial Offering Price to the public during the period starting on the sale date and ending on the earlier of the following:

- (1) the close of the fifth (5th) business day after the sale date; or
- (2) the date on which the underwriters have sold at least 10% of the Bonds to the public at a price that is no higher than the Initial Offering Price to the public (the “10% Test”).

The winning bidder shall promptly advise the Town when the underwriters have sold 10% of the Bonds to the public at a price that is no higher than the Initial Offering Price to the public, if that occurs prior to the close of the fifth (5th) business day after the sale date.

The Town acknowledges that, in making the representation set forth above, the winning bidder will rely on (1) the agreement of each underwriter to comply with the Hold-the-Offering-Price Rule, as set forth in an agreement among underwriters and the related pricing wires, (2) in the event a selling group has been created in connection with the initial sale of the Bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the Hold-the-Offering-Price Rule, as set forth in a selling group agreement and the related pricing wires, and (3) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the Bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the Hold-the-Offering-Price Rule, as set forth in the retail distribution agreement and the related pricing wires. The Town further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the Hold-the-Offering-Price Rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the Hold-the-Offering-Price Rule as applicable to the Bonds.

By submitting a bid, each bidder confirms that: (1) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (a) report the prices at which it sells to the public the unsold Bonds allotted to it until it is notified by the winning bidder that either the 10% Test has been satisfied as to the Bonds or all Bonds have been sold to the public and (b) comply with the Hold-the-Offering-Price Rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and (2) any agreement among underwriters relating to the initial sale of the Bonds to the public, together with the related pricing wires, contains or

will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the Bonds to the public to require each broker-dealer that is a party to such retail distribution agreement to (a) report the prices at which it sells to the public the unsold Bonds allotted to it until it is notified by the winning bidder or such underwriter that either the 10% Test has been satisfied as to the Bonds or all Bonds have been sold to the public and (b) comply with the Hold-the-Offering-Price Rule, if applicable, in each case if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

Sales of any Bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (1) “public” means any person other than an underwriter or a related party,
- (2) “underwriter” means (a) any person that agrees pursuant to a written contract with the Town (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the public and (b) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (a) to participate in the initial sale of the Bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the public),
- (3) a purchaser of any of the Bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (a) at least 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (b) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (c) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and
- (4) “sale date” means the date that the Bonds are awarded by the Town to the winning bidder.

Delivery: The Bonds will be delivered on or about _____, _____, in New York, New York, at the expense of the Town or at such other place as may be agreed upon with the purchaser at the expense of the purchaser. The balance of the purchase price then due (including the amount of accrued interest) must be paid in federal funds or other immediately available funds.

CUSIP Numbers: It is anticipated that CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of its proposal. All expenses in relation to the printing of CUSIP identification numbers on the Bonds shall be paid for by the Town; provided, however, that the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the successful bidder.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the Town. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The Town reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Additional Information: The Preliminary Official Statement and the Official Notice of Sale of the Town with respect to the Bonds are available via the internet at <http://www.idealprospectus.com> and will be furnished to any person interested in bidding on the Bonds upon request to Burr & Forman LLP (Burr Forman McNair), Post Office Box 11390, Columbia, South Carolina 29211, attention: Francenia B. Heizer, Esquire, telephone (803) 799-9800, e-mail: fheizer@burr.com. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Official Notice of Sale as to the complete information concerning the Bonds. For additional information, please contact the Town's Bond Counsel, Francenia B. Heizer, Esquire, Burr & Forman LLP (Burr Forman McNair), Post Office Box 11390, Columbia, South Carolina 29211, telephone (803) 799-9800, e-mail: fheizer@burr.com or the Town's Financial Advisor, Brenton J. Robertson, Managing Director, Stifel, 515 Gervais Street, Columbia, South Carolina 20201, telephone (803) 331-3848, e-mail: robertsonb@stifel.com.

Town of Hilton Head Island, South Carolina

FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by the Town of Hilton Head Island, South Carolina (the “Town”) in connection with the issuance of \$ _____ General Obligation Bonds, Series _____ (the “Bonds”). The Bonds are being issued pursuant to an Ordinance adopted by the Town Council of the Town (the “Council”). The Town covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the Town for the benefit of the beneficial owners and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below).

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

“**Annual Report**” shall mean any Annual Report provided by the Town pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“**Bonds**” shall mean the \$ _____ General Obligation Bonds, Series _____, of the Town of Hilton Head Island, South Carolina, dated _____.

“**Dissemination Agent**” shall mean the Town or any successor Dissemination Agent designated in writing by the Town and which has filed with the Town a written acceptance of such designation.

“**Listed Events**” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“**National Repository**” shall mean for purposes of the Rule, the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“**Participating Underwriter**” shall mean _____ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“**Repository**” shall mean each National Repository and each State Depository, if any.

“**Rule**” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“**State Depository**” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Disclosure Certificate, there is no State Depository.

SECTION 3. Provision of Annual Reports.

(a) The Town shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 20____, to the Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the Town shall provide the Annual Report to the Dissemination Agent, if other than the Town; provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date,

unaudited financial statements of the Town may be included in such Annual Report in lieu thereof, and the Town shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the Town may be submitted separately from the balance of the Annual Report.

(b) If the Town is unable to provide to the Repository an Annual Report by the date required in subsection (a), the Town shall send a notice to the Municipal Securities Rulemaking Board and State Depository, if any, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of each National Repository and each State Depository, if any; and

(2) if the Dissemination Agent is other than the Town, file a report with the Town and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing the Repository to which it was provided.

SECTION 4. Content of Annual Reports.

(a) The Town's Annual Report shall contain or incorporate by reference the most recent audited financial statements, which shall be prepared in conformity with generally accepted accounting principles (or, if not in such conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information) applicable to governmental entities such as the Town, and shall, in addition, contain or incorporate by reference the following, for the immediately preceding fiscal year:

- (1) Town population;
- (2) Total anticipated state appropriations subject to withholding under Article X, Sec. 14, South Carolina Constitution;
- (3) Outstanding indebtedness of the Town;
- (4) Market value/assessment summary of taxable property in Town;
- (5) Tax Rates for Town;
- (6) Tax collections for Town; and
- (7) Five largest taxpayers (including fee-in-lieu-of-tax) for Town.

(b) Audited Financial Statements prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Town is an "obligated person" (as defined by the Rule), which have been previously filed with the National Repository or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The Town will clearly identify each such document so incorporated by reference.

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the Town shall give, or cause to be given, notice of the occurrence of any of the following events (the “Listed Events”):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the Town;
- (14) The consummation of a merger, consolidation, or acquisition involving the Town or the sale of all or substantially all of the assets of the Town other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.

(b) Whenever the Town obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), or (15) above, the Town shall as soon as possible determine if such event would be material under applicable federal securities laws. If the Town determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the Town shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(c) Whenever the Town obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), or (13) above, the Town shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Repository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Town in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Town, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of

reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Town.

SECTION 6. Termination of Reporting Obligation. The Town's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of all of the Bonds.

SECTION 7. Dissemination Agent. The Town may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the Town.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the Town may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the Town, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the Town from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the Town chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the Town shall have no obligation under this Disclosure Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the Town, or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the Town, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the Town, or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of the Dissemination Agent. The provisions of this Section 11 shall apply if the Issuer is not the Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and to the extent permitted by applicable law and other public policy considerations, the Issuer agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the Issuer under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the Town, the Dissemination Agent, the Participating Underwriters, and Holders from time to time of the Bonds and shall create no rights in any other person or entity.

TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA

By: _____
Town Manager

Dated: _____, 20__

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Town: Town of Hilton Head Island, South Carolina
Name of Bond Issue: \$_____ General Obligation Bonds, Series _____,
Town of Hilton Head Island, South Carolina
Date of Issuance: _____

NOTICE IS HEREBY GIVEN that The Town of Hilton Head Island, South Carolina (the "Town") has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the Town as Dissemination Agent. The Town has notified us in writing that the Annual Report will be filed by _____.

Dated: _____

TOWN OF HILTON HEAD ISLAND,
SOUTH CAROLINA



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
VIA: Shawn Colin, AICP, *Director of Community Development*
VIA: Nicole Dixon, CFM, *Development Review Administrator*
FROM: Shari Mendrick, P.G., *CFM, Planner/Floodplain Manager*
CC: Teri B. Lewis, AICP, *LMO Official*
DATE: January 3, 2019
SUBJECT: Proposed Ordinance 2019-03; Revisions to Municipal Code Title 15, Chapter 9

Recommendation: Staff recommends that Town Council adopt the amendments as proposed in Ordinance 2019-03. The effect of this action will be to revise language and defined terms to be consistent with the National Flood Insurance Program (NFIP) regulations 44 CFR Parts 59 and 60, the State of South Carolina Model Flood Damage Prevention Ordinance and the International Building Code.

The Public Planning Committee met on October 25, 2018 and voted unanimously to forward the proposed amendments to Town Council for adoption.

Summary: Title 15, Chapter 9 of the Town's Municipal Code was reviewed by the State NFIP Coordinator during a Community Assistance Visit to Hilton Head Island in September 2016. During this visit language was identified as inconsistent with terms and definitions contained in the Federal Regulations and the State of South Carolina Model Flood Damage Prevention Ordinance. The requested revisions are the minimum necessary to both correct the deficiencies and ensure consistency.

In addition, the International Building Code was revised in 2015 to require that all building and structures in special flood hazard areas have the lowest floor elevated to or above the base flood elevation plus 1 foot. Inclusion of this language in the Town's Ordinance earns additional credit in the Community Rating System which has the benefit of lowering flood insurance rates for Island residents.

Background: Beaufort County entered the NFIP in 1977, when the first Flood Insurance Study and Flood Insurance Rate Maps were published and adopted. In 1984, the County maps were revised to recognize the incorporation of the Town. The first Town Council adopted the maps and the first ordinance titled "Flood Damage Controls." Since that time, the Town of Hilton Head Island has been a member in good standing of the National Flood Insurance Program.

Subject: Proposed Ordinance 2019-03; Revisions to Municipal Code Title 15, Chapter 9

January 3, 2019

Page 2

A number of proposed changes to the Town's Flood Damage Controls Ordinance have been identified. The reason for each proposed amendment is listed above the amendment. Newly added language is illustrated with double underline and deleted language is illustrated with ~~striketrough~~.

Please contact me at (843) 341-4687 or at sharim@hiltonheadislandsc.gov if you have any questions.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2019-#

PROPOSED ORDINANCE NO. 2019-03

AN ORDINANCE TO AMEND TITLE 15 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, CHAPTER 9 TO REVISE VARIOUS SECTIONS. THIS AMENDMENT INCLUDES CHANGES THAT WOULD CLARIFY THE SCOPE AND PURPOSE OF THE ORDINANCE AND REVISE THE LANGUAGE AND DEFINED TERMS TO BE CONSISTENT WITH THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS 44 CFR PARTS 59 AND 60 AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 1983, the Town Council of the Town of Hilton Head Island, South Carolina adopted the Municipal Code of the Town of Hilton Head Island; and

WHEREAS, the flood hazard areas of the Town are subject to periodic inundation resulting in property loss, economic disruption and health and safety hazards; and

WHEREAS, the Town Council now intends to amend Title 15, Chapter 9 to clarify and correct language inconsistent with the NFIP regulations; and

WHEREAS, the Public Planning Committee met on October 25, 2018 and voted to recommend that Town Council adopt the proposed amendments; and

WHEREAS, the Town Council now finds that, upon further review, it is in the public interest to amend Title 15, Chapter 9 of the Municipal Code.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID COUNCIL:

Note: Newly added language is illustrated with double underline and deleted language is illustrated with ~~strikethrough~~.

Section 1. Amendment. That Chapter 9 of Title 15 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended to read as indicated on Attachment 1 and is hereby incorporated by reference.

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 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 _____, 2019.**

John McCann, Mayor

ATTEST:

Krista Wiedmeyer, Town Clerk

First Reading:

Second Reading:

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

Attachment "A"

Chapter 9 - FLOOD DAMAGE CONTROLS

Staff Explanation: This change adds "Citation of Statutory Authority" as required by #1 on the CAV checklist and has been modified for consistency with the state model ordinance.

ARTICLE 1. - FINDINGS OF FACT AND PURPOSE GENERAL STANDARDS

Sec. 15-9-110. - Statutory authorization.

The Legislature of the State of South Carolina has in SC Code of Laws, Title 5 and Title 6, and amendments thereto, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Hilton Head Island, South Carolina does ordain as follows:

Sec. 15-9-111. - ~~Preamble.~~ Findings of fact.

(a) — ~~The Special Flood Hazard Areas of the town~~ Town of Hilton Head Island are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of tax base all of which adversely affect the public health, safety and welfare.

(b) — These flood losses are caused by the cumulative effect of obstructions of floodplains causing increases in flood heights and velocities, and by the occupancy of flood hazard areas by structures vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

Staff Explanation: This section has been moved to Sec. 15-9-113. Basis for area of special flood hazard for consistency with the state model ordinance.

(c) — ~~The flood hazard areas of the town have been identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the County of Beaufort," dated September 30, 1977, Federal Register Vol. 41, No. 207, pages 46,962—46,992, dated Tuesday, October 26, 1976, and subsequent supplement titled "Wave Height Analysis," dated June 4, 1984; with accompanying flood insurance rate maps and flood boundary maps, dated September 30, 1977, and subsequent maps adding wave heights dated December 4, 1984, as reevaluated and effective September 29, 1986, are hereby adopted by reference and declared to be part of this chapter.~~

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Purpose section citing health, safety, and welfare reasons for adoption" as required by #7 on the CAV checklist and has been modified for consistency with the state model ordinance.

Sec. 15-9-112. - ~~Scope.~~ Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Require that buildings vulnerable to floods, including facilities which serve such buildings, be protected against flood damages at the time of initial construction.
- (c) Prevent or rRegulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (d) Control filling, or grading, and other development which may increase erosion or flood damage or erosion.
- (e) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

Staff Explanation: This section has been moved from Sec. 15-9-111 for consistency with the state model ordinance.

Sec. 15-9-113. - Basis for area of special flood hazard.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Hilton Head Island, SC.

The flood hazard areas of the town have been identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the County of Beaufort," dated September 30, 1977, Federal Register Vol. 41, No. 207, pages 46,962—46,992, dated Tuesday, October 26, 1976, and subsequent supplement titled "Wave Height Analysis," dated June 4, 1984; with accompanying flood insurance rate maps and flood boundary maps, dated September 30, 1977, and subsequent maps adding wave heights dated December 4, 1984, as reevaluated and effective September 29, 1986, are hereby adopted by reference and declared to be part of this chapter.

Staff Explanation: This change adds "Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]" as required by #17 on the CAV checklist.

Sec. 15-9-114. - Establishment of land development application and building permit.

The approval of a land development application shall be required in conformance with Title 16 and the provisions of this chapter prior to the commencement of any development activities. A building permit shall be required in conformance with Title 15, Title 16, and the provisions of this chapter prior to the commencement of any construction activities.

Staff Explanation: This change adds “Abrogation and Greater Restriction section. (e.g., This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.)” as required by #9 on the CAV checklist.

Sec. 15-9-115. - Interpretation.

In the interpretation and application of this ordinance all provisions shall be considered as minimum requirements and deemed neither to limit nor repeal any other powers granted under State law. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions, shall prevail.

Staff Explanation: This change adds “Severability section. (e.g., If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)” as required by #10 on the CAV checklist.

Sec. 15-9-116. - Partial invalidity and severability.

If any part of this article is declared invalid, the remainder of the article shall not be affected and shall remain in force.

Staff Explanation: This change adds “Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.” as required by #8 on the CAV checklist.

Sec. 15-9-117. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or on the part of any officer or employee of the town for any flood damages that result from reliance on this chapter or that are attributable to any administrative decision lawfully made under this chapter.

Staff Explanation: This change adds “Adequate enforcement provisions (including a violation and penalty section specifying actions the community will take to assure compliance).” as required by #3 on the CAV checklist.

Sec. 15-9-118. - Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances or special exceptions, shall constitute an offense. Any person who violates any provision of this chapter or who fails to comply with any

of its requirements shall, upon conviction thereof, be subject to fine or imprisonment, or both, as provided in Sec 1-5-10. Each day any violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Definitions: [59.1]" as required by #13 on the CAV checklist.

Sec. 15-9-119. - Definitions.

For the purposes of this Chapter, the following definitions shall apply:

Accessory Structure - A building or structure subordinate and incidental to, and located on the same lot with, a principal building and use, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

Area of special flood hazard - the land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

Base flood - the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) - the computed elevation to which floodwater is anticipated to rise during the base flood. The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure's elevation determines the flood insurance premium.

Building - any structure having two or more exterior rigid walls and a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, commercial or business activity, process, equipment or goods. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Construction - the erection of any building or structure or any preparations (including land disturbing activities) for the same.

Development - the use of a structure or land; or the construction, reconstruction or alteration of a structure; or an increase in land use intensity; or filling or excavating a parcel; or a change in effects or conditions of a site; or the alteration of a shore, bank or floodplain; or the construction or extension of a utility; or the subdivision of land.

Enclosure – partially or fully walled areas below the lowest floor of an elevated building.

Existing manufactured home park or manufactured home subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 30, 1977.

Expansion to an existing manufactured home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or from rain.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study - the official report provided by the Federal Emergency Management Agency which contains flood profiles and the water surface elevation of the base flood.

Floodproofing - any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Functionally dependent use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

Increased Cost of Compliance (ICC) - applies to all new and renewed flood insurance policies effective on and after June 1, 1997. The NFIP shall enable the purchase of insurance to cover the cost of compliance with land use and control measures established under Section 1361. It provides coverage for the payment of a claim to help pay for the cost to comply with State or community floodplain management laws or ordinances after a flood event in which a building has been declared substantially or repetitively damaged

Land Development Application - application for development and use of property as required by Title 16 "Land Management Ordinance of the Town of Hilton Head Island", including, but not limited to, Subdivision Review (Major and Minor), Development Plan Review (Major or Minor), Small Residential Development Review and Utility Project Permit.

Lowest Floor - the lowest floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home - a factory-built, single-family structure that is manufactured under the authority of 42 USC Section 5401 and that is transportable in one or more sections, is built on a permanent chassis, but is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and does not have wheels or axles permanently attached to its body or frame.

Manufactured Home Park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction - structure, for which, the start of construction commenced on or after September 30, 1977. The term also includes any subsequent improvements to such structure.

New manufactured home park or subdivision - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after September 30, 1977.

Recreational vehicle - any of the following vehicles designed for travel, recreation, and vacation uses: motorhome or van (a portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); park trailer (a semi-portable structure built on a single chassis, which does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to USDHUD standards); or tent trailer (a canvas or synthetic fiber folding structure mounted on a hard body base and towed by a vehicle). Use of a recreational vehicle for residential or accommodation purposes is prohibited except in a Recreational Vehicle (RV) Park.

Repetitive Loss - a building covered by a contract for flood insurance that has incurred flood-related damages on 2 occasions during a 10 year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

Start of construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure - anything constructed, installed, or portable, the use of which requires a location on a parcel of land. Structure includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, cisterns, sewage treatment plants, sheds, and similar accessory construction.

Substantial damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any project of improvement to a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantially improved existing manufactured home park or subdivision - where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

Violation - the failure of a structure or other development to be fully compliant with these regulations.

ARTICLE 2. ADMINISTRATION

Staff Explanation: This section has been modified for consistency with the state model ordinance.

~~Sec. 15-9-211. - Chief executive officer who for the purposes of this chapter shall be the town manager to apply flood hazard area limits.~~Designation of local floodplain administrator.

The Town Manager or designee is hereby appointed to administer and implement the provisions of this chapter. To ensure that the purposes of this chapter are being complied with in regard to development within the flood hazard areas of the town, the town manager shall provide the applicant with the location of the proposed development with respect to the flood hazard area limits and water surface elevation of the base flood (i.e., one-hundred-year flood) at the proposed development site.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]" as required by #17 on the CAV checklist and for consistency with the state model ordinance.

~~Sec. 15-9-212. - Information required on building and development application or building permit permit and certification requirements. application.~~

- (a) Application for land development or building permit shall be made to the Town prior to any development or construction activities. The town manager or designee shall require the following specific information to be included as part of an application for a land development or building permit building permit:
- (b) A plan, drawn to scale, which details the nature, location, dimensions, and elevations of the area in question; size of existing and/or proposed structures; finished ground elevation; location of fill materials, storage areas and drainage facilities, finished floor elevation, water supply, sanitary facilities and, if appropriate, floodproofing measures; and all other applicable requirements in Title 15 and 16 of the Town's Municipal Code.
- (c) If the building structure incorporates floodproofing measures or breakaway walls, then certification is required by a registered professional engineer or architect stating that adequate precautions against flood damage have been taken with respect to the design of said building or structure, and that the plans for the development of the site adhere to the restrictions cited in this chapter.

- (d) A lowest floor elevation or floodproofing certification is required after the lowest floor is completed. As soon as possible after completion of the lowest floor and before any further vertical construction commences, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local floodplain administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by it. Any work done prior to submission of the certification shall be at the permit holder's risk. The local floodplain administrator shall review the floor elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
- (e) When a structure is located in Zones V, VE, or V1-30, certification shall be provided from a registered professional engineer or architect, separate from submitted plans, that new construction and substantial improvement meets the criteria for the coastal high hazard areas outlined in Sec.15-9-313.
- (f) Where alterations or repairs or additions are involved, the original date of construction and the current market value of the property, as defined by FEMA policy, shall be furnished by the owner of the property or his agent.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been modified for consistency with the state model ordinance.

Sec. 15-9-213. ~~==~~ Duties and responsibilities of town manager or designee.

The town manager or designee shall:

Staff Explanation: This change adds "Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]" as required by #19 on the CAV checklist.

- (a) Review all land development and building permit applications to assure that the requirements of this chapter have been satisfied.
- (b) ~~(1)~~ Review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by ~~F~~ederal, ~~S~~tate or local law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.
- (c) ~~(2)~~ Notify adjacent communities and the South Carolina Department of Natural Resources, Land, Water, and Conservation Division, State Coordinator for the National Flood Insurance Program, prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal ~~Insurance Administration~~ Emergency Management Agency.
- (d) ~~(3)~~ Obtain necessary engineering analysis to assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.

Staff Explanation: This change adds "Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding [60.3(a)(4)]" as required by #20 on the CAV checklist.

(e) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision or other development is in a Special Flood Hazard Area, assure that:

- (1) Such proposals minimize flood damage and are subject to all applicable standards in these regulations.
- (2) Public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage, and
- (3) Adequate drainage is provided to reduce exposure to flood damage.

Staff Explanation: This change adds "Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]" as required by #23 on the CAV checklist. The "greater than 50 lots or 5 acres" requirement was removed from the modification below as FEMA has provided base flood elevations for all properties located in the Town's limits, therefore, this information is readily available for all development and building permits.

(f) Require base flood elevation data for all land development applications and building permits.

Staff Explanation: This section was modified to clarify the current procedure used by Town staff to make Substantial Improvement/Damage determinations.

~~(4) — Verify that any requested substantial damages or substantial improvements to property are consistent with the National Flood Insurance Program regulations, title 44, parts 59 and 60, particularly section 60.3(e), effective October 1, 1989. "Substantial damage" means damage of any origin, including flood related damage, sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five (25) percent of the market value of the structure before the damage occurred.~~

(g) Perform an assessment of damage from any origin to the structure using FEMA's Substantial Damage Estimator (SDE) software to determine if the damage equals or exceeds 50 percent of the market value of the structure before the damage occurred.

(h) Perform an assessment of permit applications for improvements or repairs to be made to a building or structure that equals or exceeds 50 percent of the market value of the structure before the start of construction.

The market values shall be determined by one of the following methods:

- (1) the current assessed building value as determined by the county's assessor's office or the value of an appraisal performed by a licensed appraiser at the expense of the owner within the past 6 months.

(2) one or more certified appraisals from a registered professional licensed appraiser in accordance with the laws of South Carolina. The appraisal shall indicate actual replacement value of the building or structure in its pre-improvement condition, less the cost of site improvements and depreciation for functionality and obsolescence.

(3) Real Estate purchase contract within 6 months prior to the date of the application for a permit.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been modified for consistency with the state model ordinance.

~~Sec. 15-9-214. - Elevation information to be public record.~~

~~The town manager shall require the verification of actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures prior to vertical framing of said structure. The elevation information shall be maintained as public record.~~

(i) Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This change adds "Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]" as required by #19 on the CAV checklist and moves associated regulations as required by #19 a, b, and d for consistency with the state model ordinance.

ARTICLE 3. - CONSTRUCTION FLOOD HAZARD REDUCTION STANDARDS

Sec. 15-9-311. - General Standards.

~~The standards and defined terms used herein shall be the National Flood Insurance Program regulations, 44 CFR, parts 59 and 60, and with final rule effective October 1, 1989, as published by FEMA is hereby adopted, and hereby made a part of this chapter. A copy is on file in the office of the municipal clerk.~~

In all areas of special flood hazard the following provisions are required:

(a) All new construction, additions and/or substantial improvements shall be constructed by methods and practices that minimize flood damages.

~~Sec. 15-9-314. - Anchoring. (a) All structures shall be firmly anchored to prevent flotation, collapse, or lateral movement. (b) All ducts, pipes, and storage tanks shall be firmly anchored to prevent flotation, collapse or lateral movement.~~

(c) All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage in accordance with Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, dated 8/08, and available from the Federal Emergency Management Agency.

~~Sec. 15-9-315. - Mechanical and utility equipment. (a) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

Staff Explanation: This change adds “Require new and replacement water supply and sanitary sewage systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) and 60.3(a)(6)]” as required by #21 on the CAV checklist.

(e) Utilities. Water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

Staff Explanation: This change adds “Require onsite waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]” as required by #22 on the CAV checklist.

(f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been modified for consistency with the state model ordinance, the International Residential Code and International Building Code.

Sec. 15-9-312. - ~~Elevation requirements.~~ Specific standards.

In all areas of special flood hazard (Zones A, AE, and A1-30) where base flood elevation data has been provided, the following provisions are required:

(a) Residential Construction

New construction and substantial improvement of any Residential structures (including manufactured homes) must be constructed so that the lowest floor, including basement, is located elevated no lower than one foot above the level of the base flood elevation (i.e., the one-hundred-year flood elevation). No environmentally conditioned space shall be allowed below the lowest floor. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Sec.15-9-312(f). Residential structures may not be floodproofed in lieu of elevation.

(b) Nonresidential Construction

New construction and substantial improvement of any Nonresidential structures must be constructed so that the lowest floor is elevated no lower than one foot above the level of the base flood elevation, i.e., the one-hundred year flood elevation. Should solid foundation perimeter walls be used to elevate a structure, flood openings sufficient to automatically equalize hydrostatic flood forces, shall be provided in accordance with the elevated buildings requirements in Sec.15-9-312(f). Non-residential structures may be floodproofed in lieu of elevation constructed below the base flood elevation (i.e., the one-hundred-year flood elevation) provided that all areas of the structure below the required elevation they are designed to preclude the inundation of floodwater and withstand the hydrostatic loads associated with the base flood, (i.e., structure must be floodproofed to the elevation of the base flood) and

~~A certified by a South Carolina licensed engineer or architect shall certify that the design and method of construction meet the provisions of this section 60.3(c)(4) of the standard. Record of certification of floodproofing shall be maintained as a public record.~~

Staff Explanation: This section has been removed as the National Flood Insurance Program does not allow these exemptions below the Base Flood Elevation. See the comments section of the CAV.

~~Exception. In A zones, the following buildings, not to exceed three hundred (300) square feet (net floor area), shall be allowed below the base flood elevation, but should be located at the highest existing grade feasible to accomplish the requirements of minimizing or eliminating flood damage. All construction material below the base flood elevation will be constructed with flood resistant material and the structures will comply with sections 15-9-314 through 15-9-316:~~

- ~~(1) Detached security or guard houses at the entrance to a development.~~
- ~~(2) Detached pump houses for water and sewer installations.~~
- ~~(3) Detached bathrooms which provide only minimal facilities to provide sanitation for public use.~~
- ~~(4) Publicly owned buildings.~~

Staff Explanation: This section has been moved for consistency with the state model ordinance.

~~(c) Sec. 15-9-411. --Manufactured hHomes standards.~~

~~(a) --Manufactured home sStandards shall apply to all installations after April 1, 1987 and shall include homes placed in manufactured home parks or subdivisions, or homes not placed in such parks or subdivisions.~~

~~(b) --All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of chapter 7, title 15. Section 40-29-10 of the South Carolina Manufactured Housing Board Regulations, as amended.~~

Staff Explanation: This change adds "In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR, (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]" as required by #39 on the CAV checklist.

~~(d) Recreational Vehicles~~

~~Recreational vehicles placed on sites shall either be on site for fewer than 180 consecutive days or must be fully licensed and ready for highway use--.~~

~~A recreational vehicle is ready for highway use if it is on wheels or jacking system, attached to the site only by quick-disconnect type utilities and security devices; and has no permanently attached additions.~~

Staff Explanation: This section has been added for consistency with the state model ordinance and to address the permitting of the exemptions that were removed.

(e) Accessory Structures

Accessory structures must be elevated to the base flood elevation or meet the requirements of Sec. 15-9-312(f).

Accessory structures shall be placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure. All service facilities, such as electrical, shall be installed in accordance with Sec. 15-9-311(d).

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: This section has been moved for consistency with the state model ordinance and building elevation is the preferred method of protection

(f) ~~Sec. 15-9-316. Mandatory use of openings in~~ Enclosures ~~b~~Below Lowest Floor ~~the base flood elevation~~

(1) ~~(a)~~ For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(2) Designs for meeting this requirement must either be certified by a registered professional South Carolina engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings, each on a separate building face, shall be provided. These openings should have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) ~~(b)~~ Doors and windows are not to be considered as a part of the minimum requirement.

(4) ~~(c)~~ Uses below the B.F.E. base flood elevation are restricted to parking, limited storage and building access. ~~{Enclosed areas below B.F.E. base flood elevation must comply with (1a) above.}~~

(5) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, must be void of utilities except for essential lighting as required for safety, and cannot be temperature controlled.

(6) All construction materials below the required lowest floor elevation specified in the specific standards outlined in Sec. 15-9-312 (a), (b), (c) and (e) shall be of flood resistant materials.

Staff Explanation: This section has been moved for consistency with the state model ordinance and modified for consistency with the LMO.

Sec. 15-9-313.(g) Fill

If fill is the only alternative to raising the building to meet the residential and non-residential construction requirements of Sec. 15-9-312 (a) and (b), an applicant shall demonstrate that the amount of fill used will not affect the flood storage capacity. The following provisions shall apply to all fill placed in the special flood hazard area:~~If fill is used to raise the lowest floor to the base flood elevation:~~

- (1) Fill shall consist of suitable compact soil or small rock materials only. Sanitary landfills shall not be permitted.
- (2) Uncontained fill shall extend laterally no less than five (5) feet beyond the building line at all points.
- (3) Fill shall be used only to the extent to which it does not adversely affect adjacent properties.
- (4) Fill slopes shall be no steeper than allowed by acceptable engineering standards for the type of fill material used.
- (5) Nonresidential sites shall not be elevated with fill material to an average height greater than three feet above existing grade with the exception of critical facilities.

(Ord. No. 01-07, § 1, 6-5-01)

Staff Explanation: These sections have been moved to Sec. 15-9-311 for consistency with the state model ordinance.

Sec. 15-9-314. - Anchoring.

- ~~(a) — All structures shall be firmly anchored to prevent flotation, collapse, or lateral movement.~~
~~(b) — All ducts, pipes, and storage tanks shall be firmly anchored to prevent flotation, collapse or lateral movement.~~

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-315. - Mechanical and utility equipment.

- ~~(a) — Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~
~~(b) — Design for below base flood elevation shall be certified by a South Carolina licensed engineer.~~

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-316. - Mandatory use of openings in enclosures below the base flood elevation.

- ~~(a) — For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional South Carolina engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings, each on a separate building face, shall be~~

provided. These openings should have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

~~(b) — Doors and windows are not to be considered as a part of the minimum requirement.~~

~~(c) — Uses below the B.F.E. are restricted to parking, limited storage and building access. (Enclosed areas below B.F.E. must comply with (a) above.)~~

~~(Ord. No. 01-07, § 1, 6-5-01)~~

Sec. 15-9-3137. - Special standard for construction in coastal high hazard areas (Zones V and VE).

Located within the special flood hazard areas are areas known as coastal high hazard areas (V zones). These coastal high hazard areas have special flood hazards associated with high-velocity waters from tidal surge and hurricane wave wash and therefore the following special construction standards shall apply in the coastal high hazard areas as determined by the town manager or designee.

(a) (1)—All new construction and substantial improvements shall be located landward of the reach of the mean high tide.

Staff Explanation: This section has been modified for consistency with the 2015 International Building Code, which was adopted by the State of South Carolina effective July 1, 2016.

(b) (2)—All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal supporting member is located no lower than one foot above the base flood elevation level, with all space below the lowest supporting member free of obstruction and open so as not to impede the flow of the water, except as provided for breakaway walls in subsection (i), below.

(c) (3)—All new construction and substantial improvements shall be securely anchored on pilings or columns.

(d) (4)—The pile or column foundation and structure attached thereto shall be designed and anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. (Windloads will comply with the latest edition of the International Building Code, with amendments, that has been adopted by the South Carolina Building Codes Council.) The waterloads are those associated with the base flood.

(e) (5)A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs ~~(2) — (4)~~ (b) thorough (d) of this section.

(f) (6)Pilings or columns used as structural support shall be spaced so that when measured perpendicular to the general direction of flood flow shall not be less than eight (8) feet apart at the closest point.

(g) (7)There shall be no fill used as structural support.

(h) (8)There shall be no alteration of primary sand dunes which would increase potential flood damage.

(i) (9)Breakaway walls shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high

tides or wave action, without damage to the structural integrity of the building on which they are to be used. Breakaway walls shall be open lattice work or screening only.

- (j) ~~(10)~~ If breakaway walls are utilized, such enclosed space shall not be used for human habitation. The enclosed areas may only be used for parking of the vehicles, building access or limited storage.

(Ord. No. 01-07, § 1, 6-5-01; Ord. No. 2011-09, § 1, 6-21-11)

Staff Explanation: These sections have been moved to Sec. 15-9-312 for consistency with the state model ordinance.

~~ARTICLE 4. - SPECIAL STANDARDS FOR MANUFACTURED HOMES IN FLOOD HAZARD AREAS~~

~~Sec. 15-9-411. - Manufactured home standards.~~

~~(a) Standards shall apply to all installations after April 1, 1987 and shall include homes placed in manufactured home parks or subdivisions, or homes not placed in such parks or subdivisions. (b) All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of chapter 7, title 15.~~

- ~~(l) (e) Manufactured homes to be placed in V zones shall meet the same standards as conventional housing; i.e., meet the provisions at section 60.3(e)(3), (4), (5), and (6), and (7) of NFIP criteria, as required by this section, section 15-9-317, "Special standard for construction in coastal high hazard areas."~~

Staff Explanation: This change adds "In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR, (ii) be on the site for less than 180 consecutive days; OR, (iii) be fully licensed and highway ready [60.3(e)(9)]" as required by #46 on the CAV checklist.

- ~~(m) Recreational vehicles may be permitted in V Zones provided that the zoning of the property allows for recreational vehicle parks as a principal use and they meet the Recreation Vehicle criteria of Sec.15-9-312(d).~~

Staff Explanation: This section has been added for consistency with the state model ordinance and to address the permitting of the exemptions that were removed.

- ~~(n) Accessory structures to be place in V Zones shall meet the same standards as conventional housing as required by this section.~~

(Ord. No. 01-07, § 1, 6-5-01)

Staff Explanation: This section has been moved to Sec. 15-9-213 for consistency with the state model ordinance.

~~ARTICLE 5. -- REQUIREMENTS FOR SUBDIVISION PROPOSALS AND UTILITY SYSTEMS (Moved to Article 3)~~

~~Sec. 15-9-511. -- Subdivisions.~~

~~Floodplain management criteria associated with the subdivision of land into lots, building sites or building units is contained within the town subdivision regulations or future ordinances regulating such development activity.~~

(Ord. No. 01-07, § 1, 6-5-01)

Staff Explanation: This section has been moved to Sec. 15-9-311 for consistency with the state model ordinance.

~~Sec. 15-9-512. -- Utilities.~~

~~Water supply systems and/or sanitary sewage systems should be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.~~

(Ord. No. 01-07, § 1, 6-5-01)

ARTICLE 46. -- VARIANCES

Sec. 15-9-~~46~~11. - Requirements for variances.

Upon the submission of a written application to the Town Construction Board of Aadjustments and Appeals, a variance may be granted permitting the erection new construction or substantial improvement of structures with a lowest floor elevation, including basement, lower than regulatory flood elevation if all one of the following are met:

Staff Explanation: This change adds "Variance section with evaluation criteria and insurance notice. [60.6(a)]" as required by #4 on the CAV checklist and has been modified for consistency with the state model ordinance.

a. ~~The property on which the structure is to be erected is an isolated lot of one-half acre or less, with all contiguous existing structures constructed below such required first floor elevation; or~~

(a) b. A structure listed on the National Register of Historic Places or a state inventory of history places is to be restored or reconstructed historical structure upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(b) Development necessary to conduct a functionally dependant use, provided the criteria of this Article are met, no reasonable alternative exist, and the development is protected by methods that minimize flood damage and create no additional threat to public safety.

(c) Wet floodproofing of an agricultural structure provided it is used solely for agricultural purposes. In order to minimize flood damages during the base flood and the threat to public health and safety, the structure must meet all of the conditions and considerations of Sec 15-9-312(f), this section, and the following standards:

(1) Use of the structure must be limited to agricultural purposes as listed below:

- a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment;
 - b. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
 - c. For livestock confinement buildings, poultry houses, dairy operations, and similar livestock operations, variances may not be issued for structures that were substantially damaged. New construction or substantial improvement of such structures must meet the elevation requirements of Sec.15-9-312(f) of this ordinance.
- (2) The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
 - (3) The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
 - (4) The agricultural structure must meet the venting requirement of Sec.15-9-312(f) of this ordinance.
 - (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation, plus any required freeboard, or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Sec.15-3-311(d) of this ordinance
 - (6) Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

Sec. 15-9-412. - Required findings.

If the proposed new construction or substantial improvement meets one or more of the requirements in Sec. 15-9-411, a variance may be granted if the Town Construction Board of Adjustment and Appeals determines and expresses in writing all of the following findings:

- ~~(2)~~ (a) Good and sufficient cause exists for the granting of the variance.
- ~~(3)~~ (b) Failure to grant the variance would result in exceptional hardship to the applicant.
- ~~(4)~~ (c) The issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense.
- ~~(5)~~ (d) The variance would not have the effect of nullifying the intent and purpose of the chapter.

(Ord. No. 01-07, § 1, 6-5-01)

Sec. 15-9-642413. - Hearing.

- (a) All applications for variances shall be heard by the construction board of adjustments and appeals.

- (b) Prior to the granting of a variance the construction board of adjustments and appeals must find that justifications exist in accordance with the terms of this chapter. These findings together with the granting of a variance, shall be reduced to writing, and may be a part of the public record. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance and application.
- (c) Such variance shall be freely transferable with the land and shall not be personal to the applicant.
- (d) Unless otherwise provided therein, a variance shall be valid for a period of one (1) year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
- (e) No variance except herein specifically permitted may be granted from the provisions of this chapter. The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

(Ord. No. 01-07, § 1, 6-5-01)

| Sec. 15-9-~~613~~414. - Fee.

Each written application for a variance shall be accompanied by a fee of seventy-five dollars (\$75.00). Such application shall reflect the type of structures for which a variance is sought, the size of such structures, the approximate location upon the parcel and intended use thereof and the reasons for which the variance is being sought.

(Ord. No. 01-07, § 1, 6-5-01)

| Sec. 15-9-~~614~~415. - Notice of possible increased insurance cost.

Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the floodprone area. The structure will be permitted to be built with a lowest flood elevation below the regulatory flood elevation, and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

(Ord. No. 01-07, § 1, 6-5-01)

South Carolina Department of
Natural Resources



DNR

Alvin A. Taylor
Director

Ken Rentiers
Deputy Director for
Land, Water and Conservation

September 28, 2016

Nicole Dixon
Town of Hilton Head
One Town Center Court
Hilton Head Island, SC 29928

RE: TOWN OF HILTON HEAD COMMUNITY ASSISTANCE VISIT RESULTS

Dear Ms. Dixon:

Thank you for the courtesy extended during the recent Community Assistance Visit (CAV). The purpose of the visit was to assist community officials with the implementation and administration of the local floodplain management program and to evaluate the Town of Hilton Head Island's status as a participant in the National Flood Insurance Program (NFIP).

During the meeting a complete review of the Town's floodplain management program was conducted. During this visit, we found some potential violations of the Town's program that are described in the attached report. It is our goal to assist the Town of Hilton Head with being in good standing with the NFIP.

A copy of the CAV report is enclosed for your reference. As noted in the CAV report, further information is required by the Community in order to ensure compliance with the NFIP.

As you work through the conditions mentioned, I am available to assist staff as necessary. Please feel free to contact me with any questions or concerns you may have regarding this CAV report at 803-734-4012 / artzj@dnr.sc.gov. Additionally, I invite you to visit South Carolina's website at <http://www.dnr.sc.gov/flood> or visit FEMA's website at www.fema.gov/nfip where you will find additional information that may be of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessica Artz".

Jessica Artz, CFM
Flood Mitigation Specialist

CC: Mr. Chris Yates, Building Official
Mr. Tim Russo, FEMA Region IV

1000 Assembly Street • P.O. Box 167 • Columbia, S.C. 29201

COMMUNITY ASSISTANCE VISIT REPORT

Hilton Head Island Beaufort 450250
Name of Community County Community ID

Jessica Artz State 09/21/2016
Conducted By Agency Date of Visit

Nicole Dixon/Chris Yates (843) 341-4675
Floodplain Administrator Telephone

One Town Center Court, Town of Hilton Head Island, SC 29928
Address of Local Official

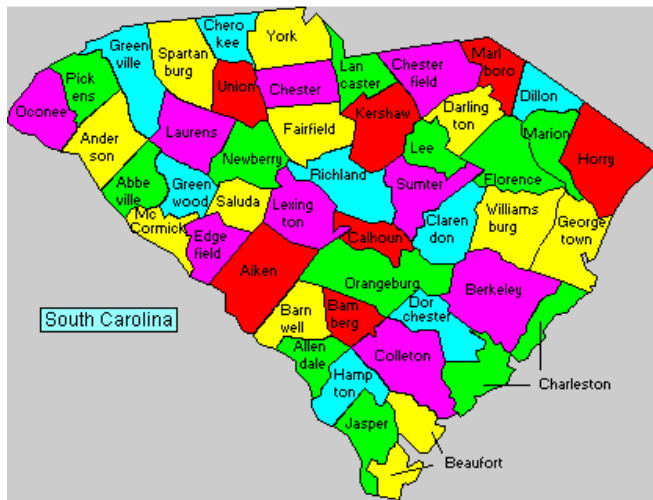
NONE SERIOUS MINOR

1. Are there any problems with the community's floodplain mgt regs?			x
2. Are there problems with administrative and enforcement procedures?	x		
3. Are there engineering or other problems with the maps or FIS?	x		
4. Are there other problems with the local floodplain management program?	x		
5. Are there problems with the Biennial Report data?	x		
6. Are there any programmatic issues or problems identified?	X		

7. Are there any potential violations of the community's floodplain management regulations?

- A potential violation has been identified.
 No violations have been identified.
 Actions are in progress to remedy violations.

A. BACKGROUND



- a LAST CAV/BY WHOM/RESULTS: CIS records show the last CAV in the Town of Hilton Head (herein referred to as the Town) was conducted on August 25, 2010. The State found that updates to the Floodplain Regulations were needed and there was one violation to be resolved. The CAV was closed on April 25, 2011.
- b HISTORY/ FLOOD PROBLEMS/ POPULATION/ DEVELOPMENT PRESSURE/ BIENNIAL REPORT (Refer to FIS where appropriate): The Town has experienced a lot of growth in the past few years, including a large amount of re-development. The population of Hilton Head is approximately 40,000. They have not had any major flooding issues in the past few years. Their flooding is usually localized due to lack of drainage during high tide rainfall events. Approximately 75% of the Town is located in a flood zone.
- c ADMINISTRATIVE PERMIT PROCESS (incl. Application, review, inspection, record keeping, enforcement, & substantial improvement & damage):

The Town is in the process of hiring a full-time floodplain administrator. Currently, the job duties are split between the Senior Planner, Nicole Dixon, who manages the CRS program and Chris Yates, the Building Official, who issues the building permits. Nicole reviews all subdivision and commercial plans. The elevations are included on the plans. After plans are reviewed, the Town issues a Notice of Action which allows the developer to move forward with infrastructure needs. After the infrastructure is in place, the subdivision plat is stamped and the individual building permits can be approved by Chris. On a new structure, an EC is required before the foundation is poured and a final EC is required before a Certificate of Occupancy can be issued. For commercial

properties, an as-built survey is required before Certificate of Compliance is issued.

- d INSURANCE INFORMATION/ CRS:
CIS database shows there are 26,415 policies. The amount of insurance in force is \$6,733,743,600.00

B. REFERENCE QUESTIONS 1-4 ABOVE

1. **Floodplain Management Regulations:** The ordinance is in need of updating. Please refer to the attached ordinance checklist for required updates and the SC Model Ordinance for recommended language.
2. **Administrative and Enforcement Procedures:**
No issues.
3. **Maps and Flood Insurance Studies:**
Beaufort County maps are dated September 29, 1986. Updated maps are in the process of being developed.
4. **Other Problems with the FPM Program:**
None found.

C. PROGRAMMATIC ISSUES

None found.

D. SECTION 404, HAZARD MITIGATION GRANT PROGRAM/ FMAP (Floodplain Management Assistance Program)

The community is eligible for other Federal programs.

E. EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT

The community works with other Federal Agencies (OFA's) whenever it is called upon to do so, or the need is there. There is no deviation from this policy.

F. OTHER FINDINGS

Eighteen permits and elevation certificates were pulled for review. There were no variances issued.

Field visits were conducted for the following permits:

- 24 China Cockle Lane
- 24 China Cockle Way
- 56 Shell Ring Road
- 15 Hackney Pony Lane
- 19 Jarvis Creek Lane
- 64 Jarvis Creek Lane
- 11 Lighthouse Lane
- 37 Dolphin Point Lane
- 1 Coligny Circle

G. FOLLOW-UP (BY FEMA/STATE)

There is no need for follow up by the State or FEMA.

H. COMMUNITY ACTION NEEDED

The properties at 19 Jarvis Creek Lane and 64 Jarvis Creek Lane have enclosed the space below the BFE without providing sufficient openings.



19 Jarvis Creek



64 Jarvis Creek

Please provide evidence that the space has either been put back to its original state or that the openings meet the minimum requirements of the Town's Flood Ordinance.

The ordinance must be updated.

Please provide a report to SC DNR on the status of these concerns by January 6, 2017.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Community Floodplain Management Regulations Reviewed by (circle one): FEMA State Other: (Agency Name) _____

Reviewer's Determination: / / The floodplain management regulations are compliant.
 / / The floodplain management regulations are not compliant.

Approved by: _____ (FEMA only) Date of Approval: ___/___/___

The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Floodplain Management Regulations at Title 44 Code of Federal Regulations (CFR) Part 59 and 60 for the complete description of the required minimum criteria. Below the "Level of Regulations" column, you can indicate whether the community ordinance meets or exceeds the respective provision in the non-shaded areas.

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
ORDINANCES MUST CONTAIN THE FOLLOWING PROVISIONS:						
1. Citation of Statutory Authority						missing
2. Framework for administering the ordinance (including permit system, establishment of the office for administering the ordinance, record keeping, etc.).					X	Article 2
3. Adequate enforcement provisions (including a violation and penalty section specifying actions the community will take to assure compliance).						missing
4. Variance section with evaluation criteria and insurance notice. [60.6(a)]					X	Article 6 (1) a., contiguous properties below the BFE is not a reason to allow a variance. This sentence must be removed.
5. Effective Date: _____ Adoption Date: _____						
6. Signature of Appropriate Official and Certification Official.						

¹ If a community has both floodways and coastal high hazard areas, it must meet the requirements of both level 60.3(d) and 60.3(e).

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
OTHER PROVISIONS AND ACTIONS THAT MAY BE NECESSARY TO MAKE THE ORDINANCE LEGALLY ENFORCEABLE AND ENSURE THAT IT CAN BE PROPERLY ADMINISTERED:						
7: Purpose section citing health, safety, and welfare reasons for adoption.					X	Article I. Sec. 15-9-112
8: Disclaimer of Liability section advising that the degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.						missing
9. Abrogation and Greater Restriction section. (e.g., This Ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this Ordinance imposes a greater restriction, the provisions of this Ordinance shall control.)						missing
10. Severability section. (e.g., If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be affected.)						missing
11. Public hearing (State/local laws may require hearings)						
12. Publication (State/local laws may require public notices)						
MINIMUM NFIP CRITERIA:						
13. Definitions: [59.1] <u>X</u> Base Flood; <u>X</u> Base Flood Elevation; <u>X</u> Development; <u>X</u> Existing manufactured home park or subdivision; <u>X</u> Expansion to an existing manufactured home park or subdivision; <u>X</u> Flood Insurance Rate Map; <u>X</u> Flood Insurance Study; Floodway; <u>X</u> Lowest Floor; <u>X</u> Manufactured Home; <u>X</u> Manufactured Home Park or Subdivision; <u>X</u> New Construction; <u>X</u> New Manufactured Home Park or Subdivision; <u>X</u> Recreational Vehicle; <u>X</u> Special Flood Hazard Area; <u>X</u> Start of Construction; <u>X</u> Structure; <u>X</u> Substantial Damage; <u>X</u> Substantial Improvement; <u>X</u> Violation;						missing

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
Other Definitions as appropriate such as <input checked="" type="checkbox"/> Floodproofing; <input checked="" type="checkbox"/> Highest adjacent grade for community's with mapped AO Zones; <input checked="" type="checkbox"/> Historic Structures						
14. Adopt or reference correct Map and date. [60.3(b)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)					X	Article 1. Sec. 15-9- 111 (c)
15. Adopt or reference correct Flood Insurance Study and date. [60.3(c), (d), and/or (e)] (If the community has an automatic adoption provision in its ordinance, is it a valid provision?)					X	Article 1. Sec. 15-9- 111 (c)
16. Require permits for all proposed construction or other development including placement of manufactured homes to determine whether such construction or development is in a floodplain. [60.3(a)(1)]						
17. Require permits for all proposed construction and other development within SFHAs. [60.3(b)(1)]						missing
18. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]					X	Article 2, Sec. 15-9- 213 (1)
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas [60.3(a)(3)]: (a) Anchoring (including manufactured homes) to prevent flotation, collapse, or lateral movement of the structure. [60.3(a)(3)(i)]					X	missing Article 3. Sec. 15-9- 314
(b) Use of flood-resistant materials. [60.3(a)(3)(ii)]						missing
(c) Construction methods and practices that minimize						missing

9/28/2016

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
flood damage. [60.3(a)(3)(iii)]						
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry to accumulation. [60.3(a)(3)(iv)]					X	Article 3. Sec. 15-9-315(a)
20. Review subdivision proposals and other development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding [60.3(a)(4)]. If a subdivision or other development proposal is in a flood-prone area, assure that: (a) Such proposals minimize flood damage. [60.3(a)(4)(i)]						missing
(b) Public utilities and facilities are constructed so as to minimize flood damage. [60.3(a)(4)(ii)]						missing
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]						missing
21. Require new and replacement water supply and sanitary sewage systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) and 60.3(a)(6)]					X	Article 3, Sec. 15-9-512
22. Require onsite waste disposal systems be designed to avoid impairment or contamination. [60.3(a)(6)(ii)]						missing
23. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]						missing
24. In A Zones, in the absence of FEMA BFE data and floodway data, obtain, review, and reasonably utilize other BFE and floodway data as a basis for elevating residential structures to or above the base flood level, and for floodproofing or elevating non-residential structures to or above the base flood level. [60.3(b)(4)]						missing
25. Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing					X	Article 2, Sec. 15-9-214

9/28/2016

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
elevations for new and substantially improved construction. [60.3(b)(5)]						
26. In riverine areas, notify adjacent communities of watercourse alterations and relocations. [60.3(b)(6)]					X	Article 2, Sec. 15-9-213 (2)
27. Maintain the carrying capacity of an altered or relocated watercourse. [60.3(b)(7)]					X	Article 2, Sec. 15-9-213 (3)
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]					X	Article 4. Sec. 15-9-411 (b)
29. Require all new and substantially improve <u>residential</u> structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the Base Flood Elevation. [60.3(c)(2)]					X	Article 3. Sec. 15-9-312(a)
30. ² In AO Zones, require that new and substantially improved <u>residential</u> structures have their lowest floor (including basement) to or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]						Missing
31. Require that new and substantially improved <u>non-residential</u> structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the Base Flood Elevation. [60.3(c)(3)]					X	Article 3. Sec. 15-9-312(b)
32. ² In AO Zones, require new and substantially improved <u>non-residential</u> structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]						missing

² Item 30 and 32 are not required if the community has no AO Zones.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
33. Require that for floodproofed non-residential structures, a registered professional engineer/architect certify that the design and methods of construction meet requirements at 60.3(c)(3)(ii). [60.3(c)(4)]					X	Article 3. Sec. 15-9-312(b)
34. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in 60.3(c)(5). (Openings requirement)					X	Article 3, Sec. 15-9-316(a)
35. ³ Until a regulatory floodway is designated, no encroachment may increase the Base Flood level more than 1 foot. [60.3(c)(10)]						missing
36. ⁴ In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]						missing
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is to or above the Base Flood Elevation and be securely anchored: (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision;					X	Article 4. Sec. 15-9-411 (a) & (b)

³ Item 35 is not required if all streams have floodways designated.

⁴ Item 36 is not required if the community has no AO or AH Zones.

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
(iii) in an expansion to an existing manufactured home park or subdivision; iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(c)(6)]						
38. In A-1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(c)(12)]					X	Article 4. Sec. 15-9-411 (a) & (b)
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(c)(14)]						missing
40. Designate a regulatory floodway which will not increase the Base Flood level more than 1 foot. [60.3(d)(2)]						
41. In a regulatory floodway, prohibit any encroachment, which would cause any increase in the Base Flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the Base Flood discharge. [60.3(d)(3)]						
42. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest horizontal structural member of the lowest floor of all new and substantially improved structures. [60.3(e)(2)]					X	Article 3, Sec. 15-9-317(2)

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
43. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated and secured to anchored pilings or columns so that the bottom of the lowest horizontal structural member is at or above the Base Flood Elevation. [60.3(e)(4)]					X	Article 3, Sec. 15-9-317(2)
(b) A registered professional engineer/architect certify that the design and methods of construction meet elevation and anchoring requirements at 60.3(e)(4)(i) and (ii). [60.3(e)(4)]					X	Article 3, Sec. 15-9-317 (5)
(c) Have the space below the lowest floor either free of obstruction or constructed with breakaway walls. Any enclosed space shall be used solely for parking, building access, or storage. [60.3(e)(5)]					X	Article 3, Sec. 15-9-317(10)
(d) All new construction is landward of mean high tide. [60.3(e)(3)]					X	Article 3, Sec. 15-9-317(1)
(e) Prohibit use of fill for structural support. [60.3(e)(6)]					X	Article 3, Sec. 15-9-317(7)
(f) Prohibit alteration of sand dunes and mangrove stands, which would increase potential flood damage. [60.3(e)(7)]					X	Article 3, Sec. 15-9-317(8)
44. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7): (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; (iv) on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood. [60.3(e)(8)]					X	Article 4, Sec. 15-9-411

NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS REVIEW CHECKLIST

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

Item Description <i>(Section reference to the NFIP Regulations follows)</i>	Level of Regs					Applicable Ordinance Section/Comments
	a	b	c	d ¹	e ¹	
45. In V1-30, VE, and V Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that (i) the lowest floor is at or above the Base Flood Elevation; OR (ii) the chassis is supported by reinforced piers no less than 36 inches in height above grade and securely anchored. [60.3(e)(8)(iv)]					X	Article 4. Sec. 15-9-411
46. In V1-30, VE, and V zones, all recreational vehicles to be placed on a site must (i) be elevated and anchored; OR (ii) be on the site for less than 180 consecutive days; OR (iii) be fully licensed and highway ready. [60.3(e)(9)]						missing

Comments

Sec. 15-3-312 of the Town’s ordinance allows the following buildings to be built below the BFE: 1) security or guard houses, 2) detached pump houses 3) detached bathrooms and 4) publicly owned buildings. The NFIP does not allow exemptions for structures to be built below the BFE. However, all of these types of structures would be allowed under the regulations (in the A zones only) and can be addressed in the following manner:

1) Security or guard houses - Would be treated like a structure and is not considered an accessory structure. It would either need to be elevated or dry-floodproofed. It could be wet floodproofed (openings) with a variance by the Town.

2) Detached pump houses for water and sewer installations - If these fit the definition of accessory structure and the Town adopts the recommended language for an accessory structure in the model ordinance, they could be anchored and have openings. If they are not an accessory structure, they would need to be elevated or floodproofed. They could be wet floodproofed with a variance by the Town.

3) Bathrooms - If these fit the definition of accessory structure and the Town adopts the recommended language for an accessory structure in the model ordinance, they could be anchored and have openings. If they are not an accessory structure, they would need to be elevated or floodproofed. They could be wet floodproofed with a variance by the Town.

**NATIONAL FLOOD INSURANCE PROGRAM
COMMUNITY FLOODPLAIN MANAGEMENT REGULATIONS
REVIEW CHECKLIST**

Community Town of Hilton Head Island State SC

Reviewed by: Jessica Artz Date of Review: 9/15/2016

4) Publicly owned buildings- If these fit the definition of accessory structure and the Town adopts the recommended language for an accessory structure in the model ordinance, they could be anchored and have openings. If they are not an accessory structure, they would need to be elevated or floodproofed. They could be wet floodproofed with a variance by the Town.

MEMORANDUM

TO: Town Council
FROM: Staff Attorney

RE: Consideration of a Proposed Ordinance to add a new offense, Fleeing to Evade Arrest or Detention to the Municipal Code of the Town of Hilton Head Island

DATE: January 7, 2019

CC: Stephen G. Riley, ICMA-CM, Town Manager
Joshua Gruber, Assistant Town Manager

Recommendation:

Staff recommends Town Council approve and adopt proposed ordinance 2019-04.

Background:

The Beaufort County Sheriff's Office has submitted a request that the Town Council adopt an ordinance for the offense of Fleeing to Evade Arrest or Detention. In the alternative, they request that Town Council grant permission for the County ordinance for the offense of Fleeing to Evade Arrest or Detention to be enforced within the Town. This would make it an offense for someone to flee from law enforcement when they are attempting to arrest or detain a person. At its January 7, 2019 meeting, the Intergovernmental-Public Safety Committee recommended the attached ordinance be forwarded to Town Council for consideration.

Summary:

The State of South Carolina has not adopted legislation which would make it an offense to flee or evade law enforcement when an arrest or detention is being attempted. The State has, however, made it unlawful to fail to stop for law enforcement when they have activated their blue lights in an attempt to stop a person while in a motor vehicle.

Beaufort County and the Towns of Port Royal and Bluffton have each adopted an ordinance which makes it an offense to flee or evade law enforcement when they are attempting to arrest or detain a person. Each of the ordinances are similar to the one proposed for the Town Council to consider.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

PROPOSED ORDINANCE NO.: 2019-04

ORDINANCE NO.: 2019-

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND BY ADDING CHAPTER 11 (FLEEING TO EVADE ARREST OR DETENTION) TO TITLE 17; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS Town Council finds that it is in the best interests of the residents, workforce, and visitors of Hilton Head Island to prohibit persons from fleeing or evading law enforcement personnel; and

WHEREAS, Town Council declares that the purpose of this ordinance is to protect the health, safety, and general welfare of the residents, workforce and visitors of Hilton Head Island; and

WHEREAS, Town Council now desires to prohibit persons from fleeing or evading law enforcement personnel under the conditions provided for in this ordinance.

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.

That Section 12-1-611 of Chapter 1 of Title 12 of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby amended by adding Section 12-1-611 (c) 5:

Chapter 11. Fleeing to Evade Arrest or Detention

Section 17-11-110. Fleeing to evade arrest or detention.

(a) If a person knows that his immediate arrest or detention is being attempted by a duly authorized law enforcement officer, it is the lawful duty of such person to refrain from fleeing, either on foot or by means of any vehicle or conveyance.

(b) In order for this section to apply, the law enforcement officer must be:

(1) Attempting to effect a lawful arrest as defined by the Code of Laws of South Carolina, 1976, as amended; or

(2) Attempting to detain the person because the law enforcement officer possesses reasonable suspicion to believe that the person is or may have been

involved in criminal activity. This reasonable suspicion must be derived from circumstances known to the officer and can be supported by articulable facts.

(c) Additionally, the officer must, by visible or audible means, have identified himself as a law enforcement officer and ordered the person to stop.

(d) Any person violating this section shall, upon conviction, be fined no more than \$500.00 or imprisoned for not more than 30 days.

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 _____, 2019

By: _____
John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

MEMORANDUM

TO: Town Council

FROM: Intergovernmental-Public Safety Committee

RE: Request by Beaufort County for the Town to Amend the Beaufort County Animal Control Ordinance.

DATE: January 8, 2019

CC: Stephen G. Riley, ICMA-CM, Town Manager
Joshua Gruber, Assistant Town Manager

The Intergovernmental-Public Safety Committee recommended 3-0 at their meeting on November 5, 2018 to forward to Town Council the Beaufort County request to amend the current Animal Control Ordinance.

Recommendation: Staff recommends approval of the ordinance amendments. A copy of the County's proposed ordinance amendment is attached.

Summary: A request has been made by Beaufort County for the Town Council to amend the County Animal Control Ordinance. The proposed amendment would serve to clean up some of the existing language in the current ordinance and introduce an administrative response to infractions of the existing code.

Highlights of the amendments includes:

- 1) Clarification of key definitions for infraction, kennel, muzzle, pit bull, serious injury, shelter, and tethering.
- 2) Alignment of the number of days for spaying/neutering compliance with the time provided for appeal of a breed determination.
- 3) Allows for Animal Control Services to take temporary possession of an animal initially determined to be a dangerous animal until the case is finalized.
- 4) Criteria provided for classification of a pet as a nuisance.
- 5) Prohibits the tethering of animals during a named storm or flood conditions which will impact Beaufort County.
- 6) Clarifies information related to vaccination requirements.
- 7) Adds a process for administrative citations or infractions and associated penalties,
- 8) Adds administrative civil penalties for infractions:
 - \$100.00 civil penalty for a first infraction;
 - \$200.00 civil penalty for a second infraction of the same administrative abatement order within a 1year time frame;
 - \$500.00 civil penalty for a subsequent infraction of the same administrative abatement order within a 1year time frame

Background:

The Town repealed its Animal Control Ordinance and adopted the County Animal Control Ordinance on January 19, 2016. Each municipality in the County also adopted the County ordinance at the same time period. The Town entered into an intergovernmental agreement with Beaufort County for animal services for enforcement of the ordinance.

The County is asking that each municipality have a first reading of the proposed amendments and provide any comments or concerns before the County Council conduct its first and second reading of the ordinance amendments. After the County has its second reading they would like for the municipalities to then conduct their final readings, after which the County will conduct its third and final reading of the ordinance.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2019-

PROPOSED ORDINANCE NO. 2019- 05

AN ORDINANCE TO AMEND CHAPTER 1 OF TITLE 17 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA ADOPTED 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 2016-01 on January 19, 2016, which adopted by reference the Beaufort County Animal Control Ordinance Chapter 14, Article II titled “Animal Control”; and

WHEREAS, the Beaufort County Council now desires to amend 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 County; 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

WHEREAS, the Town Council now desires to amend Chapter 1 of Title 17 and adopt by reference the amendments to 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.

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. 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 amended as set forth in Attachment A and is hereby incorporated 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 the ordinance as amended.

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 _____, 2019.

John J. McCann, Mayor

ATTEST:

Krista M. Wiedmeyer, Town Clerk

First Reading:

Second Reading:

Approved as to form: _____
Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

Attachment “A”

Chapter 14 - ANIMALS^[1]

Footnotes:

--- (1) ---

Cross reference— Environment, ch. 38; health and sanitation, ch. 46; agricultural use regulations, § 106-1156 et seq.

ARTICLE I. - IN GENERAL

Secs. 14-1—14-25. - Reserved.

ARTICLE II. - ANIMAL CONTROL^[2]

Footnotes:

--- (2) ---

Editor's note— [Ord. No. 2015/27](#), adopted Oct. 12, 2015, amended art. II in its entirety to read as herein set out. Former art. II pertained to the same subject matter, consisted of §§ 14-26—14-37, and derived from [Ord. No. 2010/7, adopted Apr. 26, 2010](#); [Ord. No. 2010/27, adopted Nov. 8, 2012](#); [Ord. No. 2015/18, adopted Jun. 23, 2015](#); [Ord. No. 2015/23, adopted Aug. 10, 2015](#); and [Ord. No. 2015/26, adopted Sept. 28, 2015](#).

Sec. 14-26. - Authority for and enactment of chapter.

Sec. 14-26. - Authority for and enactment of chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended.

([Ord. No. 2015-27, 10-12-2015](#))

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.

Style Definition

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Animal services facility shall mean any facility so designated by the county council.

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

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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.

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

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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.

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Dub shall mean to trim or remove.

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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.

Infraction shall mean a breach, violation, or infringement of this chapter for which the only sentence authorized is a fine and which violation is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.

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Kennel shall mean a small shelter for a dog, cat or other animal.

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

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Muzzle shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.

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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.

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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.

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Owner shall mean any person who:

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1. —Has a property right in an animal;

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2. —Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or

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3. —Permits an animal to remain on or about any premises occupied by him or her for three or more days.

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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*).

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~~Pitbull~~Pit Bull shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, ~~Stafford~~Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, 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.

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Serious injury shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.

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Shelter shall mean a structure that made of durable material with 4 walls, a roof and floor, that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably ~~may~~ be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

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

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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.

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

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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.

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(Ord. No. 2015/27, 10-12-2015)

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Cross reference— Definitions generally, § 1-2.

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Sec. 14-28. - County pet license; rabies vaccination tags.

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It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over four (4) ~~four~~ 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 rabies inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license.

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(Ord. No. 2015/27, 10-12-2015)

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Sec. 14-29. - Lifetime/annual pet license issuance, fees and exemptions.

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(a) —Eligibility. The owner of a pet ~~four months of age or older that is~~ after being 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~~ an annual license or lifetime license shall choose either a tattoo, a BCAS approved tag, 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 application, permanent identification form, and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see Section 14-30.

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(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:

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(1) —Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.

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(2) —Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

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(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.

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(d) —County license and fees.

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The ~~county license~~ Director of BCAS shall establish a fee schedule of fees are as follows: subject to the approval of County Council.

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~~(1) — Pets previously sterilized and with permanent identification shall~~ All pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license.

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Lifetime pet license. To be ~~a~~ eligible for a lifetime pet license a pet shall;

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(1) Be spayed or neutered

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[\(2\) Microchipped](#)

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[\(3\) Pay the appropriate one-time fee of \\$5.00 per the published fee schedule](#)

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~~(2) Pets previously sterilized and provided with permanent identification by BCAS shall be charged a one-time microchip fee and \$5.00 license fee.~~

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~~(3) Fertile Annual Pet license. All other pets with a permanent identification shall be \$20.00 annually. Fertile pet licenses will expire on June 30 of each year and are non-transferable.~~

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~~(4) Fertile pets with no permanent identification shall be \$50.00 annually and will be issued a metal tag to be worn at all times fertile pet licenses will expire on June 30 of each year and are non-transferable.~~

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~~(e) Exemptions. Exempt owners shall be required to pay a one-time microchip subject to an annual pet license and annual fee and will not be required to have the pet spayed/neutered. The, except that the following are exempt owners: exemptions may be eligible for a lifetime license;~~

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(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 [may receive a lifetime license](#).

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~~(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 12 months.~~

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~~(3)~~ (2) 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. [Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.](#)

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~~(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.~~

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Sec. 14-30. - Declaration of restricted dog, appeal of breed determination.

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(a) For the purposes of this section, a restricted dog shall be defined as a ~~pitbull~~ [Pit bull](#).

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(b) No person may own, keep, or harbor a restricted dog in violation of this section.

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(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:

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(1) The restricted dog is less than four months of age;

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(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 12 months from the date of issuance.

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(3) —The determination of the dog's breed is under appeal pursuant to ~~section 14-30~~ [section 14-30\(d\)\(2\)](#);

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(4) —The owner or custodian has owned or had custody of the dog less than 30 days.

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~~(d)~~ [\(d\) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS approved microchip.](#)

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[\(e\)](#) Determination of breed and appeal of determination.

(1) —Determination. The director of BCAS or his [or her](#) designee, in his or her discretion, [may](#) make ~~an initial~~ 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~~ [section 14-27 for pit bulls](#) shall not be construed to indicate the dog is not a pit bull dog under this section.

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(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, [an administrative penalty](#) and notice of appeal process.

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(3) —~~[~~Compliance.] The owner or custodian of an unaltered restricted dog shall comply with this article within ~~30~~ [10](#) days after receipt of notice of ~~breed~~ [restricted dog](#) 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.

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~~(e)~~ [\(f\)](#) 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 days of service of the notice.

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Sec. 14-31. - Pet breeder license, inspection and fees.

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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:

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(a) —Individuals engaged or intending to engage in breeding, must obtain a non-transferable, pet breeder license from BCAS.

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(b) —Applicants must have a valid county annual pet license and microchip for all pets that have reached the age of four months before applying for the pet breeder license.

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(c) —BCAS shall conduct an inspection of the identified property for the pet breeders license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.

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(d) —To qualify for a pet breeder license the applicant must demonstrate the following:

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(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.

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(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.

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(3) —Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.

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(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.

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(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 years of the date of application.

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(f) —The pet breeder license fee shall be \$100.00 annually, published in the fee schedule approved by County Council. The license shall expire on June 30 of each year, 365 days after the date it is issued.

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(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.

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Sec. 14-32. — Dangerous animals.

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(a) —For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

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(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;

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(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;

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(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;

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(4) —An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;

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(5) —An animal which is used as a weapon in the commission of a crime;

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(6) An animal which causes serious injury to a human being, other than the owner, regardless of provocation or location.

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(b) —Declaration of a dangerous animal, confinement requirements, and final determination of danger animal declaration.

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(1) —Declaration. An animal services officer or law enforcement officer, in his or her discretion, may ~~declare~~ make an initial determination that an animal is dangerous. Upon the initial 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.

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~~(2)~~ (2) When, in the discretion of an animal services officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a Magistrate Judge.

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(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:

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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.

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b. —The pen or kennel must be clearly marked as containing a dangerous animal.

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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.

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d. —The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.00.

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e. —The owner must obtain a dangerous animal registration/license from BCAS and pay a ~~\$5.00 registration fee.~~ fee on the BCAS fee schedule subject to County Council approval.

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(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 30 days or as soon as practicable.

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~~(e)~~ e) Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

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Sec. 14-33. - Running at large.

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(a) [Unlawful.] It shall be unlawful for any owner or custodian of any pet dog to permit the same to run at large except on property owned or rented by the owner or custodian. All pets dogs, must be kept

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under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other [physically attached](#) 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 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30. 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 1 through September 30. 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 1 through March 31.

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. ▲

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

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(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." ▲

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Sec. 14-34. - Nuisance pets or livestock. ▲

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(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. ▲

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(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: ▲

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(1) —Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 14-33. ▲

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(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. ▲

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(3) —Failure to maintain a dangerous animal in a manner other than that which is described in section 14-32.

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(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.

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(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.

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(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.

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(7) —Maintaining a pet or livestock that is diseased and dangerous to the public health.

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(8) —Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

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(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.

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(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.

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([Ord. No. 2015/27, 10-12-2015](#))

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(d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being a violation of this Section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 14 of this Code.

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(1) No person shall be charged with violating this Section unless a written warning was given to the owner or person in custody of the animal by an Animal Services Officer or police officer within 12 months preceding the first date alleged as a date of violation in the complaint. A warning is given under this subsection if it is personally given to the owner or person in custody of the animal, or it is posted upon the property of the owner or person in custody or mailed first-class to such person. Such records are prima facie evidence that such warnings were given.

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(2) No administrative penalty or summons shall be issued and no person shall be convicted at trial for violating this Section unless two or more witnesses from different households testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness.

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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~~ in any manner or by any method that allows the dog to become entangled or injured. 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. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighth of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog's harness or collar and not directly to the dog's neck. 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 six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.

(f) No animal shall be tethered during any named Tropical Storm or named Hurricane expected to impact Beaufort County or whenever flooding could occur. For the purpose of this section, a Tropical Storm or named Hurricane is expected to impact Beaufort County when a Tropical Storm Watch, Warning or evacuation or a Hurricane Watch, Warning or evacuation is in effect for Beaufort County.

(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 times.

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(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 safety of the dog. ▲

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Sec. 14-36. - Sale of animals, pets or livestock. ▲

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(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. ▲

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(c) —No person shall sell, offer for sale, or give away any animal or pet ~~under five~~**four (4) weeks of age**, except as surrender to the county animal services facility or to a licensed pet rescue organization. ▲

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(d) —Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section [14-36](#). ▲

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(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. ▲

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Sec. 14-37. - Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock. ▲

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(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. ▲

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(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 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. ▲

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(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

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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. ▲

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Sec. 14-38. - Impoundment. ▲

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(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 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. ▲

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(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 **1410 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 **1410 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). ▲

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(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. ▲

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(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. ▲

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(f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to the Beaufort County Animal Shelter and or affiliated organizations as soon as possible for the mandatory holding period. ▲

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Sec. 14-39. - Redemption.

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(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:

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(1) —For a pet or livestock that has not been properly inoculated, licensed, ~~microchipped~~micro chipped, and spayed or neutered ~~or spayed, at~~, the BCAS director of animal services or his/her designee, may issue a warning or Administrative Citation for the first offense at their discretion ~~after a thorough~~ investigation of the circumstances. ~~First offense~~Redemption fees shall be published on the BCAS fee ~~is \$50.00, second offense is \$150.00, third offense~~schedule and ~~any subsequent offense is \$250.00.~~ be subject to County Council approval.

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(2) —~~In addition to the administrative penalty,~~ For a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered, ~~the fee shall be \$50.00 plus the an~~ appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock ~~as appropriate~~may be charged to the owner.

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~~(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.~~

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(3) 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(~~ 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 24 hours ~~of \$25.00~~per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.

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(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.

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Sec. 14-40. - Adoption.

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(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.

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(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.

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(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. ▲

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(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 90 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 90 days from the date of the original surrender. ▲

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Sec. 14-41. - Trapping. ▲

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(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. ▲

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Sec. 14-42. - Management of feral cat colonies. ▲

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(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. ▲

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

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

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

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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.

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Nuisance means disturbing the peace by:

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(1) —Habitually or continually howling, crying or screaming, or

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(2) —The habitual and significant destruction of property against the wishes of the owner of the property.

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

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TNR means trap, neuter/spay and release.

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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.

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(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.

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Sec. 14-43. - Livestock.

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(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.

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(c) —Impounded livestock shall be held for a period of ~~21~~ 10 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.

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(d) —Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and 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.

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Sec. 14-44. - Importation of exotic animals prohibited.

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(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 America, or 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.

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(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.

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(c) —Exceptions. This division shall not apply to following entities:

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(1) —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.).

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(2) —An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.

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(3) —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 seven days within a 52-week period.

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(4) —A team mascot for a university or educational facility.

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Sec. 14-45. - Rabies Control Act (S.C. State Law 47-5-10).

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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.

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(A) Vaccinations: It shall be unlawful for any owner of a dog or cat four (4) months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by veterinarian for

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medical reasons. All dogs and cats shall be vaccinated at four (4) months of age (unless recommended otherwise by veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the County from a location outside the County shall comply with this Section within 30 days after having moved into the County by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.

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(B) Proof of Vaccination: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog.

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(C) Harboring Unvaccinated Dogs and Cats: It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

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(D) Non-transferability: Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

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(E) Exceptions: No person charged with violating 14-45 Rabies Control shall be convicted if he produces in Court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

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Sec. 14-46. - Interference with animal services officers.

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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.

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Sec. 14-47. - Enforcement and penalties.

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(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.

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(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 ~~\$\$\$500.00~~ the maximum allowed within the jurisdiction of the magistrate courts or imprisonment not exceeding 30 days, or both. However, infractions as provided in paragraph (f) below, are intended to be non-criminal, civil penalties and not subject to jail time.

(d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in non-compliance of a Final Dangerous Dog Determination of the Court, a Magistrate may order possession and custody of the animal to be surrendered permanently to the Beaufort County Animal Shelter.

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(f) Infractions Resulting in Administrative citations and penalties.

In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code Section 47-3-20, an administrative citation may be issued for certain infractions of county animal control ordinances. Infractions of this Chapter subject to administrative citation and penalty are in the discretion of the Animal Services Officer and include but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and warnings for a noisy public nuisance animal. Animal cruelty charges and Dangerous Dog Determinations are not violations subject to administrative citations.

The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection and administrative review of administrative citations and penalties.

A. Notice of infraction. If an animal is owned, kept, maintained, or found to be in violation of a county animal control ordinance, an administrative citation may be issued by the animal services officer.

B. Content of citation. The administrative citation shall be issued on a form approved by the Director of Beaufort County Animal Services and shall contain the following information:

1. Date, location and approximate time of the infraction;
2. The ordinance violated and a brief description of the infraction;

- 3. The amount of the administrative penalty imposed for the infraction;
- 4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;
- 5. Instructions on how to appeal the citation;
- 6. The signature of the animal control officer.

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The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

C. Service of citation.

- 1. If the person who has violated the county animal control ordinance is present at the scene of the infraction, the animal control officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.
- 2. If the owner, occupant or other person who has an infraction of a county animal control ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
- 3. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The citation shall also be mailed to any additional addresses for the owner in department records.

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D. Administrative penalties.

- 1. The penalties assessed for each infraction of a county animal control ordinance shall not exceed the following amounts:
 - i. One hundred dollars (\$100.00) for a first infraction;
 - ii. Two hundred dollars (\$200.00) for a second infraction of the same administrative abatement order within one year;
 - iii. Five hundred dollars (\$500.00) for each additional infraction of the administrative abatement order within one year.
- 2. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.
- 3. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.
- 4. The penalties assessed shall be payable to the Beaufort County Treasurer.
- 5. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.
- 6. Failure to pay an administrative penalty may result in prosecution or petition for the original violation(s) in the Magistrate court of Beaufort County.

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E. Administrative appeal of administrative citation.

1. Notice of appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Department. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation set forth in subsection C. above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:

- i. A brief statement setting forth the appellant's interest in the proceedings;
- ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
- iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
- iv. The notice of appeal must be signed by the appellant;
- v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the Administrative Appeal will be scheduled;
- vi. Indigence must be proved to have the deposit waived.

2. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:

- i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten (10) days before the hearing to the person requesting the hearing.
- ii. The administrative hearing regarding the administrative citation shall be held before the Public Safety Director, or a designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
- iii. Conduct of the hearing. The investigating animal control officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.
- iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the circuit court.

F. Appeal to Circuit Court. Any person who receives an unfavorable decision from the decision of an Administrative Appeal may file an appeal with the Circuit Court in Beaufort County. The appeal to

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Circuit Court must be filed within thirty (30) days of the notice of the Administrative Officer' s decision being mailed to the recipient of an Administrative citation.

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TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA-CM, *Town Manager*
VIA: Shawn Colin, *Director of Community Development*
VIA: Jennifer Ray, *Planning & Special Projects Manager*
FROM: Marcy Benson, *Senior Grants Administrator*
DATE: January 3, 2019
SUBJECT: 2019 Bicycle Friendly Community Renewal Application Resolution

Recommendation: Staff recommends Town Council approve the attached resolution to support the Town's renewal application to the League of American Bicyclists for the Bicycle Friendly Community Award.

Summary: The League of American Bicyclists designated the Town of Hilton Head Island a Bicycle Friendly Community (BFC) at the Gold level in 2015 for a four year period. This designation was an elevation from the Silver level BFC designation awarded in 2011. This designation is the highest level of any BFC in the state of South Carolina. This prestigious designation is a testimonial to the Town's commitment to provide outstanding community facilities to benefit residents and visitors. This commitment coupled with the environmental and recreation opportunities available illustrate the importance of supporting the submission of the BFC Award Renewal Application in 2019.

Background: The public multi-use pathway network constructed and maintained by the Town has grown to 64 miles. This is a strong indicator of the commitment the Town of Hilton Head Island has to bicycling. Since 2010 the Hilton Head Island Bicycle Advisory Committee has been comprised of a robust membership of local bicycle advocates, bicycle shop owners, Hilton Head Island-Bluffton Chamber of Commerce staff and Town staff. This group continuously advocates and supports bicycle safety and education, pathway infrastructure, annual bicycle events and established a Bike Ambassador Program. Committee members have conducted and participated in League of American Bicyclist supported bicycle safety classes, which promote bicycle and motor vehicle awareness. Members of the Hilton Head Island Bicycle Advisory Committee have coordinated bicycle parking at several local events, such as the Heritage Golf Tournament and the Concourse d'Elegance which assisted in alleviating parking congestion during these community events.

Considering the strides the Town of Hilton Head Island has made since the original Silver level BFC designation in 2011 and the Gold level designation in 2015 the continuation of this prestigious award designation will provide not only a competitive advantage when promoting Hilton Head Island as a vacation destination but also maintain and enhance the Town's leadership as a bicycle friendly destination.

The many bicycle related accomplishments over the past eight years illustrate the importance of supporting the submission of the BFC Award Renewal Application in 2019.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HILTON
HEAD ISLAND, SOUTH CAROLINA TO SUPPORT THE TOWN'S RENEWAL
APPLICATION TO THE LEAGUE OF AMERICAN BICYCLISTS FOR THE
BICYCLE FRIENDLY COMMUNITY AWARD**

WHEREAS, the Town of Hilton Head Island in 1987 adopted a Parks, Open Space, and Recreation Resolution which references a natural links policy to connect and integrate the island's bikeways and public recreation facilities; and

WHEREAS, the 1995 Recreation and Open Space Plan was adopted as an appendix to the Town's Comprehensive Plan and included recommendations for trails and bicycle facilities to meet AASHTO standards; roadway widening projects to include accommodations for bicycle travel; and street intersections be improved to accommodate bicycles; and

WHEREAS, the Recreation Element, including pathway recommendations, was adopted as an element to the Comprehensive Plan in 2005 and revised in the 2010 and 2014 Comprehensive Plan updates; and

WHEREAS, the number of miles of Town constructed and maintained multi-use pathways has increased from 10.5 miles in 1995 to 64 miles in 2018; and

WHEREAS, the Hilton Head Island Bicycle Advisory Committee in conjunction with the Town of Hilton Head Island and the Hilton Head Island-Bluffton Chamber of Commerce has promoted bicycling education and awareness through annual bicycle events and a bike ambassador program; and

WHEREAS, the Town of Hilton Head Island is a vacation destination where visitors enjoy bicycling on pathways and the beach; and

WHEREAS, Hilton Head Island residents increasingly ride bicycles for pleasure, exercise and a means of commuting to and from work; and

WHEREAS, the League of American Bicyclists designated the Town of Hilton Head Island a Bicycle Friendly Community at the Gold level in 2015 for a four year validity period.

NOW THEREFORE, BE IT, AND IT HEREBY IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA DOES HEREBY SUPPORT THE RENEWAL APPLICATION TO THE LEAGUE OF AMERICAN BICYCLISTS FOR THE BICYCLE FRIENDLY COMMUNITY AWARD.

**MOVED, APPROVED AND ADOPTED THIS 15TH DAY OF JANUARY
2019.**

John J. McCann, Mayor

Krista Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____



TOWN OF HILTON HEAD ISLAND

Community Development Department

TO: Stephen G. Riley, ICMA~CM, *Town Manager*
FROM: Charles Cousins, AICP, *Assistant to the Town Manager*
CC: Josh Gruber, *Assistant Town Manager*
DATE: January 8, 2019
SUBJECT: Charter for the U.S. 278 Gateway Corridor Committee

Recommendation: The Community Services Committee recommends Town Council approve the attached resolution and charter for the U.S. 278 Gateway Corridor Committee.

Summary: On November 7, 2018 Town Council approved a resolution creating a U.S. 278 Gateway Corridor Committee. The Community Services Committee reviewed a draft charter for this Committee on December 7, 2018 and on December 10, 2019. It recommended the charter's adoption by the Town Council with the following changes:

- the Committee's work should include a regional focus along with a Town-wide focus;
- the Corridor Committee should reach out to other communities for lessons learned from similar efforts;
- the charter should provide specific reference to the Stoney community; and
- the Committee should provide Town Council a final recommendation on the preferred alternative developed during the Environmental Assessment.

These changes have been incorporated in the attached draft charter.

The original resolution creating this Committee specified it should have between 7 and 11 members. The Community Services Committee was very impressed with the knowledge and experience of the potential Committee members it interviewed and believe the maximum Committee membership should be increased to 13 members. This change is also reflected in the attached charter.

Background: SCDOT's project "U.S. 278 Corridor Improvements" is underway to study and improve the 3.7 mile section of U.S. 278 between Moss Creek Drive and Squire Pope Road. This project includes 4 bridge structures which cross either Mackay Creek or the Intracoastal Waterway. On November 7, 2018 Town Council approved a resolution creating a U.S. 278 Gateway Corridor Committee. The purpose of this Committee is to work cooperatively with the South Carolina Department of Transportation to gather information, obtain and provide citizen input into the environmental assessment process, and make recommendations to Town Council regarding the U.S. 278 Environmental Assessment and

Design Alternatives. The attached proposed charter provides details on the Committee's purpose, its duration and membership, and procedural rules.

Resolution No. 2018-_____

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AUTHORIZING THE APPOINTMENT OF A HILTON HEAD ISLAND U.S. 278 GATEWAY CORRIDOR COMMITTEE

WHEREAS, the Town of Hilton Head Island has traffic safety, neighborhood protection, and traffic congestion relief among its highest priorities; and

WHEREAS, the South Carolina Department of Transportation has initiated an Environmental Assessment process that will produce design alternatives for Hilton Head Island's U.S. 278 Gateway Corridor; and

WHEREAS, the Environmental Assessment process needs to consider among other criteria; traffic, safety, neighborhood impact, current and projected traffic congestion, environmental impact, ingress and egress between U.S. 278 and affected neighborhoods, flood control, historical and cultural protection, business impact, multimodal options, aesthetics, and impact on the Hilton Head Island Brand; and

WHEREAS, early and continual Town and citizen involvement has been effective in other similar roadway Environmental Assessment projects.

WHEREAS, the Town Council of the Town of Hilton Head Island adopted a resolution on November 7, 2018 creating a U.S. 278 Gateway Corridor Committee; and

WHEREAS, the purpose of this Committee is to work cooperatively with the South Carolina Department of Transportation to gather information, obtain and provide citizen input into the environmental assessment process, and make recommendations to Town Council regarding the U.S. 278 Environmental Assessment and Design Alternatives.

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

The attached CHARTER FOR HILTON HEAD ISLAND U.S. 278 GATEWAY CORRIDOR COMMITTEE is adopted by the Town Council.

MOVED, APPROVED, AND ADOPTED THIS ___ DAY OF _____, JANUARY, 2019.

John J. McCann, Mayor

ATTEST:

By: _____
Krista M. Wiedmeyer, Town Clerk

APPROVED AS TO FORM:

Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

CHARTER FOR HILTON HEAD ISLAND U.S. 278 GATEWAY CORRIDOR COMMITTEE

PURPOSE:

The South Carolina Department of Transportation (SCDOT) has determined that the U.S. 278 eastbound bridge crossing Mackay Creek to Hilton Head Island is structurally deficient and requires replacement. As part of this work, SCDOT is interested in addressing capacity issues on this bridge and the other 3 bridges crossing Mackay Creek or the Intracoastal Waterway. These bridges provide the sole access to and egress from Hilton Head Island. SCDOT has identified a U.S. 278 Gateway Corridor project to address roadway issues in this area. The boundaries of this project are along U.S. 278 from the intersection of Moss Creek Drive to the intersection of Spanish Wells Road. A first step in the SCDOT process for this project is an Environmental Assessment (EA) that will identify various alternative treatments for this crossing, evaluate the environmental, cultural and social impacts of each alternative, and ultimately develop a recommended alternative.

The Hilton Head Island Town Council recognizes the importance of this project and the likely impacts it will have not just on access to and egress from the Town, but also on nearby neighborhoods and businesses. Because of this importance, Hilton Head Island Town Council approved a resolution creating the Hilton Head Island U.S. 278 Gateway Corridor Committee (resolution attached) on November 7, 2018. The purpose of this Committee is to work cooperatively with the South Carolina Department of Transportation to gather information, obtain and provide citizen input into the environmental assessment process, and make recommendations to Town Council regarding the U.S. 278 Environmental Assessment and Design Alternatives.

To accomplish this the Committee will:

- Examine impacts to areas within the boundaries of the SCDOT project, consider current and projected traffic congestion, safety, effects on neighborhoods and families particularly in the Stoney community, ingress and egress on U.S. 278 for affected neighborhoods, aspects of historical and cultural protection, business impacts, aesthetics, and access to the Town following a hurricane or other natural disaster.
- Seek input from individuals, businesses and families in the neighborhoods directly impacted by the potential corridor changes, and from the general public. This effort should include a Town-wide, as well as a regional focus.
- Reach out to other communities having recent similar experiences for lessons learned.
- Incorporate strategies for early and continual citizen involvement.
- Develop a strong interface with both SCDOT and Beaufort County staff involved with this project.
- Educate local decision makers, stakeholders and the general public on the process being employed by SCDOT; status of the project; alternatives being evaluated; other alternatives or

options that should be considered; issues, needs and desires of the community and recommendations to address community issues and desires.

- Make recommendations to the Town Council Community Services Committee on community desires related to the project and ways to mitigate impacts of the project.
- Provide a quarterly report to the Community Services Committee, as well as a final recommendation on the EA's preferred alternative prior to the completion of the EA process.

DURATION AND MEMBERSHIP:

The Committee is established as a Special Committee of Town Council for the duration of the SCDOT Environmental Assessment. All members of the Committee are appointed by the Town Council. The Chairman and Vice Chairman will be designated by the Mayor with approval by Town Council. Membership on the Committee will constitute an appropriate mix of individuals with technical expertise and individuals representing groups affected by the potential changes to the U.S. 278 Corridor. Membership will consist of at least 7 regular members with a maximum of 13 regular members. Additionally, the Mayor will appoint one Town Council member to serve as an ex officio member of the Committee.

PROCEDURAL RULES:

- The Committee will follow all the legal requirements of a publicly appointed body.
- All Committee meetings will be properly noticed and open to the public. Any time a quorum of the Committee is present it shall be considered a public meeting.
- Any recommendations to SCDOT will be provided to the Town Council Community Services Committee and then to the full Town Council rather than directly to SCDOT.
- Town staff will publicize meetings, prepare meeting agendas and minutes and provide other technical and administrative assistance.
- The Committee shall seek approval from Town Council prior to creating any subcommittees.