

Chapter Four—CRIMINAL OFFENSES AND MISCELLANEOUS PROVISIONS

Article I. General Provisions

Section 1.01 Failure to Aid Police.

- (a) **Prohibited Conduct.** It shall be the duty of each and every citizen to render assistance to a police officer of the town when such officer is acting in the line of duty and requests assistance. Refusal to do so, without reasonable excuse, shall be unlawful.
- (b) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and may be punished by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 1.02 Failure to Obey Lawful Orders.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to willfully disobey a lawful command of a police officer, given in the performance of their official duties.
- (b) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and may be punished by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 1.03 False Alarms.

- (a) **Prohibited Conduct.** It shall be unlawful to trigger more than two (2) false burglar or fire alarms from the same premises within a calendar year.
- (b) **Penalty.**
 - (i) 1st and 2nd false alarms: No charge;
 - (ii) 3rd and subsequent: \$200.00 fine per occurrence;
 - (iii) Failure to pay may result in a citation or collection action.

Article II. UNLAWFUL LODGING AND ENCAMPMENT IN PUBLIC SPACES

Section 2.01 Sleeping in Automobiles.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to sleep in any automobile, motor vehicle, or recreational vehicle that is parked on any public street, sidewalk, alleyway, right-of-way, or town-owned parking area between the hours of 9:00 p.m. and sunrise.

(b) **Exceptions.** This section shall not apply to:

- (i) Persons participating in events that are sponsored, co-sponsored, or otherwise permitted by the Town of Atlantic Beach;
 - (ii) Emergency situations where temporary rest is necessary due to driver fatigue or medical need, provided such use does not exceed a reasonable duration.
- (c) **Definition.** Sleeping activities mean lying down or reclining in a horizontal or resting position with the intent to remain overnight, with or without the use of blankets, sleeping bags, bedding, makeshift shelters, or other gear.
- (d) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and may be punished by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 2.02 Sleeping on Public Benches.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to sleep or recline in a horizontal position on any public bench within the Town of Atlantic Beach except in the case of a verified medical emergency between the hours of 9:00 p.m. and sunrise.
- (b) **Definition.** Sleeping activities mean lying down or reclining in a horizontal or resting position with the intent to remain overnight, with or without the use of blankets, sleeping bags, bedding, makeshift shelters, or other gear.
- (c) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and may be punished by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 2.03 Camping Prohibited

- (a) **Prohibited Conduct.** It shall be unlawful to camp or engage in sleeping activities on public property, including beaches, sand dunes, sidewalks, parks, or any land owned, leased, or controlled by the Town of Atlantic Beach, without prior written authorization from the Town Administrator or designee.
- (b) **Definitions.** For purposes of this section, the following terms shall apply:
- (i) Camping means the act of residing or dwelling temporarily in any place with the intent to remain overnight. Camping includes, but is not limited to, sleeping activities; the laying down of bedding or blankets; storage of personal belongings; starting or maintaining a fire; cooking; or using tents, shelters, tarps, vehicles, or other enclosures for overnight accommodation.

- (ii) Sleeping activities means lying down or reclining in a horizontal or resting position with the intent to remain overnight, with or without the use of blankets, sleeping bags, bedding, makeshift shelters, or other gear.
- (iii) Public property includes but is not limited to, streets, sidewalks, easements, municipal buildings, parks, parking lots, beaches, sand dunes, rights-of-way, and any other land owned, leased, or controlled by the Town of Atlantic Beach.
- (c) **Exceptions.** This section shall not apply to:
 - (i) Camping activities expressly authorized by a special event permit, encroachment permit, or other written approval issued by the town;
 - (ii) Short-term recreational tent camping on private residential property, provided the tent is located in the rear of the property and not used for commercial or long-term habitation.
- (d) **Enforcement Procedure.** No person shall be arrested or cited under this section unless they have first received a verbal or written warning to cease the unlawful conduct and have been given a reasonable opportunity to comply. A record of such warning shall be documented by the responding officer.
- (e) **Outreach Option.** At the discretion of the responding officer, and where available, individuals may be offered information or assistance regarding available shelter or social services prior to enforcement action.
- (f) **Penalties.** Any person convicted under this section shall be deemed guilty of a misdemeanor and may be punished by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Article III. NOISE AND FIREWORKS CONTROL

Section 3.01 Fireworks.

- (a) **Prohibited Conduct.** It shall be unlawful to use, fire, shoot, or discharge fireworks within the Town of Atlantic Beach, except as provided in subsection (b). Fireworks may only be discharged on the beach, east of the mean high-water mark, and only during authorized times.
- (b) **Permitted Use.** Fireworks may be discharged:
 - (i) From sunset until 11:00 p.m. on July 4th;
 - (ii) From sunset on December 31st until 1:00 a.m. on January 1;

(iii) As part of a public display approved in writing by the Town Council, provided the display complies with state and federal law, including rules of the South Carolina State Fire Marshal. Applications for such displays shall be submitted no later than 30 days before the scheduled event.

- (c) **Penalties.** Any person convicted under this section shall be deemed guilty of a misdemeanor and may be punished by a fine not less than one hundred dollars and not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 3.02 Unreasonable Noise Prohibited.

- (a) **Prohibited Conduct.** It shall be unlawful to cause or permit unreasonable noise that annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, particularly between the hours of 11:00 p.m. and 7:00 a.m.
- (b) **Specific Prohibitions.** Unreasonable noise includes, but is not limited to:
- (i) Operating radios, televisions, loudspeakers, musical instruments, or sound systems that can be heard in public streets or neighboring properties at disruptive volumes;
 - (ii) Using sound devices or bands in public streets, beaches, or alleys to advertise or attract attention without a town permit;
 - (iii) Excessive barking, howling, or other sounds made by animals for more than five (5) continuous minutes or ten (10) intermittent minutes, especially between 12:00 p.m. and 7:00 a.m.;
 - (iv) Construction, demolition, or drilling activities before 7:00 a.m. or after 6:00 p.m., Monday through Saturday;
 - (v) Use of pile driving equipment before 7:00 a.m. or after 6:00 p.m., or at any time on Sundays;
 - (vi) Revving or racing of vehicle engines in a stationary position or manner not necessary for repair or safety purposes.

- (c) **Decibel Limits by Zone.**

(i) **Residential:**

- 1) 7:00 a.m. – 10:00 p.m. (55 dB);
- 2) 10:00 p.m. – 7:00 a.m. (50 dB);

(ii) **Commercial:**

1) 7:00 a.m. – Midnight (65 dB);

2) Midnight. – 7:00 a.m. (60 dB);

(iii) **Waterfront:**

1) 7:00 a.m. – Midnight (70 dB);

2) 10:00 p.m. – 7:00 a.m. (60 dB).

(d) **Exemptions.** This section shall not apply to:

(i) Emergency vehicles, warning devices, or required alarms;

(ii) School bells, church bells, or chimes;

(iii) Town-sponsored or permitted events;

(iv) Noise caused by natural events, such as thunderstorms, wind, or ocean activity.

(e) **Enforcement Factors.** In determining whether a violation has occurred, the enforcement officer may consider:

(i) Volume and intensity of the sound;

(ii) Time of day or night;

(iii) Location and zoning of the area affected;

(iv) Nature of the sound and background noise levels;

(v) Duration and frequency of the noise;

(vi) Whether the sound was continuous, intermittent, or recurring.

(f) **Penalty.** Violation of this section shall be considered a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days, or both.

Article IV. Loitering

Section 4.01 Loitering and Prowling.

(a) **Definitions.**

(i) Loitering means to remain idle in one location without lawful purpose under circumstances that would cause a reasonable person to be concerned for public safety.

(ii) Hours of Operation means times posted by the town for public restrooms, parks, or facilities, or if unposted, the hours of sunrise to sunset.

(b) **Prohibition.** It shall be unlawful for any person to loiter in or about any:

(i) Private dwelling without an ownership or leasehold interest;

(ii) Closed business premises;

(iii) Public restroom, beaches or beach access areas beyond posted hours or with intent to commit a lewd or unlawful act;

(iv) Public parking lot without lawful purpose;

(v) Public park, beaches or beach access areas beyond posted hours or for lewd, unlawful, or intimidating conduct.

(c) **Enforcement and Severability**

(i) Police officers may lawfully order any person violating this section to disperse. Failure to comply constitutes a separate offense. Nothing herein shall be construed to abridge constitutionally protected rights of speech, religion, or association.

(ii) If any provision of this section is held invalid by a court of competent jurisdiction, the remainder shall continue in effect.

(d) **Exceptions.** This section shall not apply to conduct permitted under a town-issued special event or encroachment permit or during a declared state of emergency.

(e) **Penalty.** Violation of this section shall be considered a misdemeanor and is punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed thirty (30) days, or both.

Section 4.02 Loitering for the Purpose of Engaging in Drug-Related Activity

(a) **Prohibited Conduct.** It shall be unlawful for any person to loiter in a public place with the intent to engage in unlawful drug-related activity in violation of the South Carolina Controlled Substances Act, S.C. Code § 44-53-110 et seq.

(b) **Definitions.**

(i) Public place means any street, sidewalk, bridge, alley, plaza, park, parking lot, transportation facility, or doorway/frontage of a building adjacent to such locations.

(ii) A known drug user/seller is any person previously convicted of drug offenses under state or federal law, within the knowledge of the arresting officer.

(c) **Presumptive Conduct.** The following may be used to establish probable cause for a violation:

- (i) Repeated attempts to engage passersby in conversation or to stop vehicles;
- (ii) Repeated interference with pedestrian movement;
- (iii) Behavior indicating imminent unlawful drug activity;
- (iv) Repeated exchanges of money or objects;
- (v) Presence at locations known for drug activity;
- (vi) Refusal to leave the area after a lawful police order to disperse.

(d) **Enforcement and Severability**

- (i) Police officers may lawfully order any person violating this section to disperse. Failure to comply constitutes a separate offense. Nothing herein shall be construed to abridge constitutionally protected rights of speech, religion, or association.
- (ii) If any provision of this section is held invalid by a court of competent jurisdiction, the remainder shall continue in effect.

(e) **Penalty.** Violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment for not more than thirty (30) days.

Section 4.03 Loitering with the Intent to Harass, Stalk, or Intimidate.

ADD MORE

- **Harassment:**

South Carolina defines harassment as engaging in a pattern of conduct that is intended to cause emotional or mental distress, or that is intended to interfere with or cause alarm to another person. This can include actions like unwanted physical contact, surveillance, property damage, or communication that causes distress.

- **Stalking:**

South Carolina's stalking law focuses on a pattern of conduct intended to cause fear in the targeted person, and that a reasonable person in the same situation would also fear. This can involve following someone, unwanted communication, or other behaviors that create a reasonable fear of harm.

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- **Intimidation:**

While not explicitly part of the South Carolina harassment and stalking statutes, intimidation often accompanies these offenses, particularly when threats or violence are involved. Intimidation can be used to control or silence a victim, and it often plays a role in stalking and harassment cases.

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Intent:

To prove a crime of harassment or stalking, the prosecution must show that the defendant had the intent to cause emotional distress, fear, or alarm. This means demonstrating that the defendant's actions were not accidental or unintentional, but were purposefully designed to harm the victim.

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Penalties:

The penalties for harassment and stalking in South Carolina can vary depending on the degree of the offense, the presence of prior convictions, and whether a restraining order was violated. First-degree harassment can be a class A misdemeanor, while stalking is a felony. Restraining orders can also be obtained to protect victims from further harassment or stalking.

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Restraining Orders:

To obtain a restraining order, a victim must file a complaint in magistrate court, providing evidence of the harassment or stalking and demonstrating the need for protection. The court can then issue a restraining order that prohibits the offender from contacting or being near the victim.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to loiter, remain, prowl, or repeatedly appear in a public or quasi-public place with the intent to harass, stalk, or intimidate another individual, or under circumstances that reasonably demonstrate such intent, including but not limited to:
 - (i) Following or monitoring another person's movements without a legitimate purpose;
 - (ii) Positioning oneself repeatedly near a person's residence, workplace, school, or known frequented location without consent or lawful purpose;
 - (iii) Initiating repeated, unsolicited contact with another person after being expressly asked to stop, including by physical presence, gestures, verbal communication, or surveillance;
 - (iv) Displaying menacing, threatening, or sexually explicit gestures or language directed at an individual with intent to cause fear or emotional distress;
 - (v) Engaging in conduct reasonably understood to serve no purpose other than to control, coerce, threaten, or provoke fear in another individual.
- (b) **Definitions.** For purposes of this section:
 - (i) Harass means engaging in a knowing and willful course of conduct directed at a specific person that causes substantial emotional distress and serves no legitimate purpose.
 - (ii) Stalk means engaging in a pattern of behavior intended to cause, and which does cause, a person to fear death, assault, bodily injury, criminal sexual contact, or the kidnapping of that person or a family member.
 - (iii) Intimidate means engaging in conduct or communication that causes a person to reasonably fear for their safety or the safety of another.
- (c) **Presumptions and Evidence of Intent.** Intent to harass, stalk, or intimidate may be inferred from conduct including, but not limited to:
 - (i) Repeated presence after notice to desist;
 - (ii) Use of disguises, concealment, or surveillance devices;
 - (iii) Prior threats, protective orders, or hostile communications;
 - (iv) Flight from law enforcement or refusal to identify oneself when lawfully requested.
- (d) **Exceptions.** This section shall not apply to:
 - (i) Lawful picketing or protest activity protected by the First Amendment;
 - (ii) Lawful activities by licensed private investigators or law enforcement officers acting in the course and scope of employment;

- (iii) Persons engaged in normal and lawful presence in public spaces without targeting a specific individual.

(e) **Enforcement and Severability**

- (i) Police officers may lawfully order any person violating this section to disperse. Failure to comply constitutes a separate offense. Nothing herein shall be construed to abridge constitutionally protected rights of speech, religion, or association.
- (ii) If any provision of this section is held invalid by a court of competent jurisdiction, the remainder shall continue in effect.

(f) **Penalties.**

- (i) Any person who violates this section shall be guilty of a misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment not to exceed thirty (30) days.
- (ii) Each day such conduct continues shall constitute a separate offense.
- (iii) Upon conviction, the court may issue a no-contact order prohibiting the offender from approaching, following, or communicating with the victim for a specified period.

Article V. OFFENSES AGAINST PUBLIC ORDER AND DECORUM

Section 5.01 Aggressive Panhandling and Soliciting.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to engage in aggressive solicitation:
- (i) On any public right-of-way, sidewalk, park, beach, or municipally owned property;
 - (ii) In or near bus stops, parking lots, or other transportation facilities;
 - (iii) On private property where signage states "No Soliciting," "No Trespassing," or similar wording;
 - (iv) In a manner that obstructs access to buildings, crosswalks, driveways, stairways, or ADA access ramps;
 - (v) By leaving unattended personal property used in connection with solicitation on public property.
- (b) **Definitions.** Aggressive manner means any conduct during solicitation that would cause a reasonable person to feel threatened, coerced, or intimidated. This includes but is not limited to:

- (i) Approaching or speaking to someone in a way that causes fear or intimidation;
 - (ii) Making physical contact without consent;
 - (iii) Blocking safe or free passage;
 - (iv) Using threatening gestures or profane language;
 - (v) Following a person after refusal;
 - (vi) Soliciting within 50 feet of ATMs, bank drop boxes, or outdoor dining areas.
 - (vii) Soliciting means panhandling, peddling, busking, or requesting donations whether or not in exchange for goods or services. It does not include political, religious, or public policy advocacy.
- (c) **Permit Conditions.** Solicitation during town-permitted events may be restricted or prohibited as a permit condition.
- (d) **Penalty.** Violation of this section is a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100.00), plus applicable assessments, or imprisonment for not more than thirty (30) days.

Section 5.02 Breach of Peace.

- (a) **Prohibited Conduct.** It shall be unlawful to commit any act that unreasonably disturbs the peace or provokes violence in a public or private place, including inciting others to disturb the peace.
- (b) **Penalty.** Violation of this section is a misdemeanor and may be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

Section 5.03 Disorderly Conduct.

- (a) **Prohibited Conduct.** It shall be unlawful to:
- (i) *Fight or challenge another to fight in a public place;*
 - (ii) *Use offensive language or gestures likely to provoke violence;*
 - (iii) *Appear in a public place while intoxicated to the degree that endangers others;*
 - (iv) *Engage in boisterous or disruptive behavior.*
- (b) **Penalty.** Violation of this section is a misdemeanor and may be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for up to thirty (30) days.

Section 5.04 Disruption of Public Meetings.

- (a) **Prohibited Conduct.** It shall be unlawful to intentionally disrupt or obstruct a public meeting of the Town Council, boards, commissions, or other public bodies.
- (b) **Penalty.** Violation of this section is a misdemeanor punishable by up to thirty (30) days imprisonment or a fine of up to five hundred dollars (\$500.00).

Section 5.05 Public expectoration, urination and defecation unlawful.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to expectorate, urinate or defecate outside to the view of any person from their private property or place of business, or to the view of any person from any highway, street, alley or other public beach, park or way.
- (b) **Penalty.** Violation is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or up to thirty (30) days in jail.

Section 5.06 Indecent Exposure.

- (a) **Prohibited Conduct.** No person shall intentionally expose their genitals, buttocks, or female breasts below the top of the areola in a public place or in view of the public.
- (b) **Exceptions.** Breastfeeding shall not be considered indecent exposure.
- (c) **Penalty.** Violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

Section 5.07 Dressing or Undressing in Vehicles.

- (a) **Prohibited Conduct.** It shall be unlawful to change clothes in a vehicle when the act is visible from outside and exposes private areas.
- (b) **Penalty.** Violation is a misdemeanor punishable by a fine not to exceed one hundred dollars (\$100.00) or up to thirty (30) days imprisonment.

Section 5.08 Public Sexual Activity.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to engage in actual or simulated sexual activity in public, including on beaches, in parks, or anywhere visible from public property.
- (b) **Penalty.** Violation is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or up to thirty (30) days in jail.

Section 5.09 Prostitution and Related Acts.

- (a) **Prohibited Conduct.** It is unlawful to engage in, solicit, aid, or promote prostitution.
- (b) **Penalty.** Violation is a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00) or imprisonment for up to thirty (30) days.

Section 5.10 Trespass on Property

- (a) **Prohibited Conduct.** No person shall willfully enter upon the lands or premises of another, public or private, without the consent of the owner or person in charge, or after having been forbidden to do so, or after such land or premises has been posted by the owner, occupant or any other authorized person with a conspicuous notice forbidding trespassing.
- (b) **Enforcement.** No person shall neglect or refuse to depart from the property of another, public or private, when ordered to do so by the owner, occupant, or any other person with authority to order such departure.

- (c) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and shall be punishable by a fine of two hundred dollars (\$200.00) plus any applicable local, state, or federal assessments.

Section 5.11 Posting Advertisements on Property

- (a) **Prohibited Conduct.** It shall be unlawful for any person to post any advertisement of any kind on public property within the town by use of a placard, picture, paper, circular, painting, poster or by any means or device whatsoever.
- (b) **Private Property Posting.** It shall be unlawful to place any such advertisement, or any notice or sign of any nature on private property within the town without the consent of the owner or lessee of the property. The provisions of this section shall not apply to candidates for political office or their agents who are canvassing and distributing campaign materials.
- (c) **Political Signs.** All political campaign posters or signs posted for national, state or local elections for public office may be placed on private property and limited in size to a maximum of four (4) square feet. They must be removed within 15 days of the election.
- (d) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and shall be punishable by a fine of two hundred dollars (\$200.00), plus the cost of cleanup. Each sign or advertisement shall be a separate offense.

Article VI. ALCOHOL AND INTOXICATION OFFENSES IN PUBLIC PLACES

Section 6.01 Open Containers.

- (a) **Prohibited Conduct.** It shall be unlawful to possess or consume open containers of alcoholic beverages in any public place, including parks, sidewalks, and beaches.
- (b) **Exceptions.** This section does not apply to town-approved special events with designated consumption areas.
- (c) **Penalty.** Violation of this section is a misdemeanor punishable by a fine not to exceed two hundred dollars (\$200.00) or thirty (30) days in jail.

Section 6.02 – Public Intoxication or Impairment.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to be in an intoxicated or impaired condition in any public place within the town.
- (b) **Definitions**

(i) **Intoxicated or Impaired Condition.** For purposes of this section, intoxicated or impaired condition means a state in which a person's cognitive, emotional, mental, or physical faculties are materially diminished, or their control over such faculties is substantially impaired, due to the consumption or ingestion of alcohol, drugs, or other substances. Such condition must be evident in a manner that:

- 1) Threatens or impedes the safety of the individual or others;
- 2) Disrupts public order or tranquility;
- 3) Interferes with the public's reasonable use and enjoyment of shared spaces.

(ii) **Public Place.** For purposes of this section, public place includes but is not limited to:

- 1) Any street, sidewalk, alley, park, beach, or right-of-way;
- 2) Any public building or facility;
- 3) Any business or commercial premises open to the public;
- 4) Any space or premises that may be apprehended by the public through the senses of hearing or sight, or to which the public has access, whether publicly or privately owned.

(c) **Penalty.** Violation of this section shall constitute a misdemeanor, and upon conviction, the offender may be punished by a fine not to exceed five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days, or both.

Section 6.03 Public Intoxication by Narcotics

(a) **Prohibited Conduct.** It shall be unlawful for any person, while under the influence of narcotic drugs, to appear in or upon:

- (i) Any public street, alley, park, or other public space in a manner that is offensive to others;
- (ii) The grounds of any church, school, library, museum, theater, public auditorium, transportation terminal, or other area generally frequented by the public;
- (iii) Any dwelling or business establishment of another, except by express invitation.

(b) **State Law Reference.** Driving under the influence of narcotics, S.C. Code § 56-5-2930; Controlled Substances Act, S.C. Code § 44-53-110 et seq.

(c) **Penalty.** Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for a period not to exceed thirty (30) days.

Article VII. Weapons

Section 7.01 Carrying of Weapons

- (a) **Prohibited Conduct.** It shall be unlawful for any person to carry about their person, whether concealed or not and whether permitted or not by the South Carolina State Law Enforcement Division (SLED), any firearm, dirk, metal knuckles, razor, or other weapon typically used for infliction of personal injury, in the following locations within the Town of Atlantic Beach:
 - (i) Public meetings, assemblies, or town-authorized events;
 - (ii) Buildings owned, leased, or maintained by the town;
 - (iii) Town council or other official business meetings of the town;
 - (iv) Polling places on election days;
 - (v) Daycare or preschool facilities;
 - (vi) Town-owned parks, beaches and recreational areas.
- (b) **Definitions.**
 - (i) A weapon includes any firearm, dirk, dagger, knife, metal knuckles, or other implement designed or adapted for use as a weapon.
 - (ii) A concealed weapon means a weapon carried in such a manner that it is hidden from ordinary view.
- (c) **Exceptions.** This section does not apply to:
 - (i) *Persons lawfully carrying weapons on their own premises;*
 - (ii) *Law enforcement officers acting in the performance of their official duties;*
 - (iii) *Persons authorized by S.C. Code § 23-31-215, provided their actions are in compliance with all applicable statutes.*
- (d) **Enforcement.** Weapons may not be confiscated unless incident to a lawful arrest or where otherwise permitted under state law.
- (e) **Penalty.** Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for a period not to exceed thirty (30) days.

- (f) **Forfeiture.** Any deadly weapon used, carried, concealed, or brandished in violation of this section shall be subject to seizure by law enforcement. Upon conviction, such weapon shall be forfeited to the town and permanently destroyed by the Police Department in accordance with departmental procedures and applicable law.
- (g) **State Law References.** S.C. Code §§ 16-23-20, 16-23-460, 23-31-215, 23-31-220, 23-31-520.

Section 7.02 Discharge of Dangerous Devices

- (a) **Prohibited Conduct.** It shall be unlawful for any person to discharge any firearm, air rifle, slingshot, bow and arrow, or any similar dangerous device within the Town of Atlantic Beach.
- (b) **Exceptions.** This section does not apply to:
 - (i) Law enforcement officers acting in the line of duty;
 - (ii) Persons lawfully using force in defense of human life, as permitted by state law.
- (c) **Forfeiture.** Any deadly weapon used, carried, concealed, or brandished in violation of this section shall be subject to seizure by law enforcement. Upon conviction, such weapon shall be forfeited to the town and permanently destroyed by the Police Department in accordance with departmental procedures and applicable law.
- (d) **Penalty.** Violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment for up to thirty (30) days.

Article VIII. Hate Intimidation and Bias-Motivated Crimes

Section 8.01 Cross Burning

- (a) **Prohibited Conduct.** It shall be unlawful for any person to place or cause to be placed in a public place in the city a burning or flaming cross or any manner of exhibit in which a burning or flaming cross, real or simulated, is the whole or a part, without first obtaining the written permission of the owner and occupier of the premises to do so.
- (b) **Penalty.** A violation of this section shall be a misdemeanor, and any person convicted of this crime shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days, with separate fines and/or sentences to be imposed for contemporaneous and/or concurrent violations.

Section 8.02 Conspiracy Against Civil Rights

- (a) **Prohibited Conduct.** If any two (2) or more persons shall band or conspire together or go upon the public streets or upon the premises of another within the city with intent to injure, oppress, or violate the person or property of any citizen because of such citizen's political opinion or expression or exercise of the same or shall attempt by any means, measure or act to hinder, prevent or obstruct any citizen in the free exercise and enjoyment of any right or privilege secured to the citizen by the constitution of the United States or by the constitution and laws of this state, each such person shall be guilty of a misdemeanor.
- (b) **Penalty.** A violation of this section shall be a misdemeanor, and any person convicted of this crime shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days, with separate fines and/or sentences to be imposed for contemporaneous and/or concurrent violations.

Section 8.03 Hate Intimidation And Hate Crimes

- (a) **Prohibited Conduct.** Any person who commits a criminal offense in violation of the Town of Atlantic Beach Code of Ordinances, with the intent to intimidate, threaten, harass, injure, or damage any person or property in whole or in part because of the actual or perceived race, color, religion, ancestry, national origin, gender, gender identity, sexual orientation, age, or physical or mental disability of the victim, shall be guilty of the offense of hate intimidation and subject to the penalties set forth in this section.
- (b) **Penalty.** A violation of this section shall be a misdemeanor, and any person convicted of this crime shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days, with separate fines and/or sentences to be imposed for contemporaneous and/or concurrent violations.

Article IX. DRUG PARAPHERNALIA

Section 9.01 Definitions.

- (a) **Drug Paraphernalia Defined.** The term drug paraphernalia means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this article. Such paraphernalia includes, but is not limited to:
 - (i) Kits for growing or harvesting plants used to produce controlled substances;

- (ii) Kits for manufacturing or preparing controlled substances;
 - (iii) Isomerization devices to increase plant potency;
 - (iv) Testing equipment for drug strength or purity;
 - (v) Scales or balances;
 - (vi) Dilutants and adulterants (e.g., mannitol, lactose);
 - (vii) Separation sifters for refining marijuana;
 - (viii) Mixing equipment such as blenders or bowls;
 - (ix) Capsules, balloons, or packaging containers;
 - (x) Concealment containers;
 - (xi) Hypodermic syringes or injection devices;
 - (xii) Ingestion devices such as:
 - 1) Pipes (metal, wooden, acrylic, ceramic, etc.);
 - 2) Water pipes and bongs;
 - 3) Carburetion tubes and masks;
 - 4) Roach clips;
 - 5) Cocaine spoons or vials;
 - 6) Chillums, air-driven pipes, electric pipes, or ice pipes.
- (b) **Determining Factors.** To determine whether an object qualifies as drug paraphernalia, courts or enforcement authorities may consider:
- (i) Statements by the owner or user;
 - (ii) Prior drug-related convictions;
 - (iii) Proximity of the item to illegal drugs;
 - (iv) Presence of drug residue;
 - (v) Intent to deliver the object for unlawful use;
 - (vi) Instructions or descriptive materials associated with the item;
 - (vii) Advertising, packaging, or how the item is displayed for sale;

- (viii) Whether the owner is a legitimate supplier (e.g., licensed tobacco dealer);
- (ix) Ratio of item sales to overall business sales;
- (x) Known legitimate uses of the item in the community;
- (xi) Expert testimony on its intended use.

Section 9.02 Possession of Drug Paraphernalia.

- (a) **Prohibited Conduct.** It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia for planting, cultivating, manufacturing, processing, packaging, storing, injecting, ingesting, inhaling, or introducing a controlled substance into the human body in violation of this article.
- (b) **Penalty.** Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days, or both. Each individual item of drug paraphernalia found in the defendant's possession shall constitute a separate and distinct offense.
- (c) All items determined to be drug paraphernalia under this article and lawfully seized by the police department shall be forfeited. Such property shall be held for a minimum of ten (10) days **after the court date** and thereafter destroyed by the police department.

Section 9.03 Manufacture or Delivery of Drug Paraphernalia.

- (a) **Prohibited Conduct.** It is unlawful for any person to manufacture, deliver, or possess with intent to deliver drug paraphernalia, knowing or having reason to know it will be used to violate this article.
- (b) **Penalty.** Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days, or both. Each individual item of drug paraphernalia found in the defendant's possession shall constitute a separate and distinct offense.
- (c) All items determined to be drug paraphernalia under this article and lawfully seized by the police department shall be forfeited. Such property shall be held for a minimum of ten (10) days after the court date and thereafter destroyed by the police department.

Section 9.04 Advertisement of Drug Paraphernalia.

- (a) **Prohibited Conduct.** It is unlawful for any person to place, publish, or cause to be published any advertisement in print or digital form promoting the sale of drug paraphernalia, knowing or having reason to know that such items are designed or intended for unlawful drug use.

- (b) **Penalty.** Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days, or both. Each individual item of drug paraphernalia found in the defendant's possession shall constitute a separate and distinct offense.
- (c) **Seizure and Destruction.** All items determined to be drug paraphernalia under this article and lawfully seized by the police department shall be forfeited. Such property shall be held for a minimum of ten (10) days after the court date and thereafter destroyed by the police department.

Article X. OFFENSES AGAINST PROPERTY

Section 10.01 Malicious Injury to Real or Personal Property.

- (a) **Prohibited Conduct.** It shall be unlawful for any person knowingly, willfully, or maliciously to maim, cut, shoot, deface, mutilate, injure, or take from the person or premises of another any real or personal property of any kind or nature.
- (b) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and shall be punishable by a fine of two hundred dollars (\$200.00), plus any applicable local, state, or federal assessments.
- (c) **State Law Reference.** Malicious injury to property, S.C. Code §§ 16-11-510, 16-11-520.

Section 10.02 Mutilation of Monuments.

- (a) **Prohibited Conduct.** No person shall deface, disturb, remove, mutilate, or desecrate any public or private marker, monument, plaque, sign, street marker, traffic signal, or any fencing, barrier, or covering that protects such items.
- (b) **Penalty.** Any person convicted under this section shall be deemed guilty of a misdemeanor and shall be punishable by a fine of two hundred dollars (\$200.00), plus any applicable local, state, or federal assessments.

Section 10.03 Vandalism Prohibited.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to destroy, damage, mutilate, or remove the property of another without permission.
- (b) **Specific Prohibitions.** The following acts are declared to be violations of this section, without limitation to other forms of vandalism:
 - (i) **Personal Property.** No person shall willfully, unlawfully, and/or maliciously cut, shoot, maim, wound, or otherwise injure any personal property of another person.

- (ii) Fixtures and Real Property. No person within the municipality shall willfully, unlawfully, and/or maliciously cut, mutilate, deface, mark, etch, scratch, or otherwise injure, or commit any other trespass on real property belonging to another.
- (iii) Municipal Property. No person within the municipality, unless authorized by municipal officials, shall remove, interfere with, otherwise injure, or destroy any municipal property.
- (iv) Grassplots and Flowers. No person shall drive any animal or vehicle along, on, or across any grassplot in any public street or sidewalk, or trample, pluck, mutilate, or injure grass, shrubs, or flowers planted or growing in such places.
- (v) Trees and Shrubs. No person shall cut, scar, mutilate, dig up, or otherwise injure or destroy any trees or shrubs on public streets, in parks, or on other city property.

(c) **Penalties.**

- (i) Fines and Imprisonment. *Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days.*
- (ii) Restitution. In addition to any criminal penalties, the court may order the offender to pay restitution to the victim for damage or loss resulting from the offense, in an amount and manner determined by the court.
- (iii) Community Service. The court may impose community service in lieu of or in addition to other penalties, subject to the following minimum requirements:
 - 1) A minimum of thirty (30) hours of community service;
 - 2) For minors, at least one (1) parent or guardian must attend a minimum of fifty percent (50%) of the assigned service period;
 - 3) All community service shall be performed under the supervision of a provider approved by the Chief of Police;
 - 4) Assignments shall be tailored to provide rehabilitative benefit, with priority given to graffiti removal or similar civic repair work;
- (iv) Minors under seventeen (17) years of age who are wards of the court shall be required to perform community service, including graffiti removal, for not less than thirty (30) hours and not more than eighty (80) hours, at the discretion of the court.

- (d) **Reward for information.** The city may offer a reward, in an amount to be established by resolution of city council, for information leading to the identification and arrest of any person who willfully damages or destroys public property or private property located within the city limits, provided that such conduct constitutes a violation of a city ordinance or applicable state law. In the event multiple individuals provide qualifying information, the city shall apportion the reward among the claimants based on the relative value of each contribution, as determined in the sole discretion of the city.
 - (i) Claims for rewards under this section shall be submitted in the manner and form prescribed by resolution of the city council.
 - (ii) No claim for a reward shall be allowed unless the city investigates and verifies the accuracy of the claim and determines that all requirements of this section have been satisfied.

Section 10.04 Graffiti Prohibited.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to apply, attempt to apply, conspire to apply, solicit or command another person to apply, or aid or abet another person in planning or applying graffiti to any public or private property, whether real or personal.
- (b) **Definitions.** For purposes of this section:
 - (i) Graffiti means any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, glued, or engraved on or otherwise affixed to any surface of public or private property by any means whatsoever. Graffiti includes markings not authorized in advance by the owner or occupant, or which, despite authorization, are deemed a public nuisance by the Town Council.
 - (ii) Person means any individual, partnership, association, corporation, personal representative, trustee, or any other legal entity.
- (c) **Penalties.**
 - (i) Fines and Imprisonment. Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days.
 - (ii) Restitution. In addition to any punishment, the court may order the offender to make restitution for damages or loss directly or indirectly caused by the offense.
 - (iii) Community Service. In lieu of, or in addition to, other penalties, the court may require community service, subject to the following:
 - 1) Minimum of thirty (30) hours of service;

- 2) For minors, at least one (1) parent or guardian must attend fifty percent (50%) of service hours;
 - 3) All service shall be supervised by a provider approved by the Chief of Police;
 - 4) The service should involve graffiti removal or similar rehabilitative work;
- (iv) Any minor under seventeen (17) years of age adjudicated a ward of the court shall complete thirty (30) to eighty (80) hours of graffiti-related service at the city's discretion.

Section 10.05 Graffiti as a Public Nuisance.

- (a) **Declaration.** Graffiti on public or private property is hereby declared to be a public nuisance and subject to abatement as provided in this ordinance.
- (b) **Property Maintenance Requirement.** It is the duty of the property owner or lawful possessor to ensure that all property under their control remains free from graffiti.
- (c) **Removal of Graffiti by Perpetrator.** Any person found applying graffiti shall be responsible for its removal or the cost of removal within twenty-four (24) hours of receiving notice from the city or the property owner. Removal must follow procedures established by the City Building Official or designee. Failure to comply constitutes a separate violation.
- (d) **Penalty.** Violation of this section is a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days.

Section 10.06 Removal of Graffiti by Property Owner.

- (a) **Property Owner Responsibility.** A property owner or responsible party shall remove graffiti within ten (10) days after receiving notice by certified mail. The notice shall include:
 - (i) Street address and legal description;
 - (ii) Description of the graffiti conditions;
 - (iii) Statement requiring removal within ten (10) days, with declaration that failure will result in nuisance declaration;
 - (iv) Information about available graffiti removal assistance.
- (b) **Exceptions.** The ten-day removal period may be extended if:
 - (i) The owner or responsible party demonstrates financial inability or active remediation efforts;
 - (ii) The owner or party has a documented abatement program and graffiti removal is scheduled, in which case the removal period may extend to fifteen (15) days.

- (c) **Penalty.** If the property owner does not remove the graffiti within the time allowed in this section. The city will remove it at the owner's expense. The owner will have 30 days to pay the invoice sent to them from the date of the letter.

Article XI. Abandoned and Derelict Vehicles

Section 11.01 Abandoned and Derelict Vehicles.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to accumulate, place, or deposit, or cause to be placed or deposited, any abandoned or derelict vehicle on any street, alleyway, sidewalk, right-of-way, or other public or private property within the city limits, except within a fully enclosed building. All such vehicles shall be subject to removal and disposal as set forth in this Article.
- (b) **Definitions.**
- (i) Vehicle means any device by which a person or property may be transported or drawn upon a highway by mechanical means, including boats and trailers.
 - (ii) Abandoned Vehicle means a vehicle that is inoperable or left unattended on public property for more than seventy-two (72) hours, or any vehicle remaining on public or private property for more than seven (7) days without the consent of the property owner or person in control of the property.
 - (iii) Derelict Vehicle means a vehicle that:
 - 1) Has an expired certificate of registration and the registered owner no longer resides at the address on record;
 - 2) Has major parts removed, rendering it inoperable;
 - 3) Has identifying features such as serial plates, VINs, or license plates removed;
 - 4) Has been disclaimed or abandoned by the registered owner;
 - 5) Is more than seven (7) years old and does not bear a valid license plate as required by state law.
 - 6) Colored Tag means a notice affixed to a vehicle identifying it as abandoned or derelict and subject to forfeiture. The tag must be legible and contain all information required by the city to enforce this section.

Section 11.02 Notice, Tagging, and Sale of Vehicles.

- (a) **Tagging Requirement.** When a vehicle is determined to be abandoned or derelict, the ~~city~~**-Town** shall affix a colored tag or sticker to notify the owner, possessor, or lienholder that the vehicle is subject to removal and forfeiture.
- (b) **Mailed Notice.** If the vehicle's value exceeds one hundred dollars (\$100.00), the colored tag shall state that the vehicle must be removed within seven (7) days or it will be towed and held for sale. After removal, the city shall notify the last registered owner and any lienholders by certified mail of the vehicle's location and inform them that it will be sold if not reclaimed within thirty (30) days.
- (c) **Newspaper Notice.** If the registered owner or lienholder cannot be identified, notice shall be published once in a newspaper of general circulation in the area where the vehicle was located. The notice must run at least twenty (20) days before the vehicle is sold and must include, if known, the year, make, model, and serial number of the vehicle.
- (d) **Contents of Notice.** All notices, whether by mail or publication, shall include the year, make, model, and serial number of the vehicle, if obtainable.
- (e) **Contracting for Services.** The city may contract with private entities to perform services including towing, storage, removal, and other actions necessary for handling abandoned or derelict vehicles.
- (f) **Sale of Vehicle.** If a vehicle has not been reclaimed within the applicable notice period, the ~~city~~**-Town** may proceed with the sale of the vehicle at a public sale, provided that the city council first adopts a resolution authorizing the sale. The sale shall not occur sooner than ten (10) days after the final notice—whether by certified mail or newspaper publication—has been provided in accordance with applicable law. Notice of the public sale, including the date, time, and location, shall be posted by the city in a conspicuous public place at least five (5) days prior to the scheduled sale.

Section 11.03 Tampering with Tags.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to tamper with, remove, or destroy any colored tag placed on a vehicle pursuant to this ordinance.
- (b) **Penalty.** Any person convicted under this section shall be subject to a fine not to exceed five hundred dollars (\$500.00).

Article XII. Curfew.

Section 12.01 Juvenile Curfew

- (a) **Prohibited Conduct.** It shall be unlawful for any minor sixteen (16) years of age or younger to loiter, wander, stroll, or play in or upon any public street, highway, road, alley, park, playground, vacant lot, or other public places within the town between the hours of 12:00 midnight and 6:00 a.m. on any day unless accompanied or supervised as provided in subsection (b).
- (b) **Exceptions.** The provisions of this section shall not apply in the following instances:
 - (i) The minor is accompanied by a parent, legal guardian, or other adult (over the age of twenty-one) having lawful custody or control of the minor;
 - (ii) The minor is on an emergency errand at the direction of a parent, legal guardian, or other adult over twenty-one (21) years of age with lawful custody or control;
 - (iii) The minor is returning directly home from a school activity, recreational activity, or dance;
 - (iv) The minor is returning directly home from lawful employment that requires presence in a public place during curfew hours;
 - (v) The minor is traveling through the town in a motor vehicle with parental consent for normal travel purposes.
- (c) **Parental Responsibility.** It shall be unlawful for the parent, guardian, or other person having custody or control of any minor sixteen (16) years of age or younger to knowingly permit, or by insufficient control allow, such minor to be present in public during curfew hours as defined in this Article unless an exception applies.
- (d) **Penalties.** Each violation of this article shall constitute a separate offense and is punishable as follows:
 - (i) First Offense: Courtesy summons;
 - (ii) Second Offense: Fine not to exceed one hundred dollars (\$100.00), at the discretion of the court;
 - (iii) Third and Subsequent Offenses: Fine not to exceed two hundred dollars (\$200.00) and/or community service not to exceed one hundred (100) hours, at the discretion of the court.

Article XIII. Animal Control

Section 13.01 Definitions

- (a) Unless otherwise provided, the following terms and phrases shall have the meanings ascribed to them in this chapter:

- (i) Abandonment means deserting or forsaking an animal with the intent to give up all rights and claims thereto.
- (ii) Animal means any nonhuman living creature, wild or domesticated, that is distinguished from plants by voluntary movement, sensory response, consumption of organic materials, and cellular structure; specifically excluding humans.
- (iii) Animal shelter means any facility, property, or contracted service provider designated by the town for the purpose of temporarily holding, impounding, caring for, or humanely euthanizing animals. The Town of Atlantic Beach does not operate its own shelter; animals impounded under this chapter may be held temporarily by police and transported to an external facility approved by the town manager.
- (iv) Cat means any member of the feline family.
- (v) Contract enforcement agency means any organization or business designated by the town manager to assist in the administration or enforcement of this chapter, including animal-related holding or care services.
- (vi) Dog means any member of the canine family.
- (vii) Euthanasia means the act of humanely putting an animal to death in accordance with applicable state law or regulation.
- (viii) Guard dog or attack dog means any dog trained to attack persons or property independently or upon command, or expected to act as a guardian; or any dog used by a licensed security service.
- (ix) Impound means the act of a town police officer taking legal custody of an animal and ensuring its humane confinement with appropriate food, water, ventilation, and veterinary care, either temporarily or for transport to an external facility approved by the town manager.
- (x) Kennel means a facility that regularly houses six or more dogs or other animals for compensation, sale, or barter; or the owner or keeper of four or more dogs over four (4) months of age.
- (xi) Mistreatment of animals includes but is not limited to:
 - 1) Failure to provide veterinary care, food, water, or appropriate shelter;
 - 2) Keeping animals in unsanitary, hazardous, or offensive conditions;
 - 3) Tethering in a manner causing injury, strangulation, or excessive restraint;
 - 4) Leaving animals unattended in vehicles in temperatures exceeding seventy (70) degrees Fahrenheit without air conditioning;

- 5) Poisoning, injury, overloading, tormenting, or exposure to extreme weather;
- 6) Tethering for more than two (2) hours in any twelve-hour period or using metal chains in direct contact with the animal's skin.
- (xii) Neutered male means a male animal surgically sterilized to prevent reproduction.
- (xiii) Nuisance animal means any animal whose behavior, permitted by its owner or keeper, disrupts public safety, damages property, or interferes with the quiet enjoyment of life to such a degree as to be injurious or offensive to the general welfare.
- (xiv) Owner or keeper means any person who owns, possesses, harbors, controls, or allows an animal to remain on or about their premises.
- (xv) Run at large means an animal that is off the property of its owner or keeper and is not under direct physical control by a leash or similar device.
- (xvi) Spayed female means a female animal surgically sterilized to prevent reproduction.
- (xvii) Stray animal means an unrestrained animal with no identifiable owner or that lacks required town license or rabies vaccination tags.
- (xviii) Tethering means restraining or controlling an animal by means of a rope, chain, cable, or similar device.
- (xix) Veterinary care means the provision of health maintenance, treatment of illness or injury, and prevention of disease by a licensed veterinarian.
- (xx) Vicious or dangerous animal includes any animal with an unprovoked history of attacks or aggression; any animal trained to fight; any animal likely to cause serious harm to persons or other animals; or any animal with a known propensity to threaten safety. Factors may include breed, size, behavior, history, confinement conditions, proximity to children, and likelihood of injury.
- (xxi) Wild or feral animal means any nondomesticated animal with predatory, dangerous, or disease-carrying potential, including but not limited to: nondomesticated felines, wolf-dog hybrids, coyotes, foxes, skunks, raccoons, primates, reptiles over two (2) feet in length, alligators, and venomous snakes or insects.

Section 13.02 IMPOUNDMENT PROCEDURES AND REDEMPTION REQUIREMENTS

- (a) **Impoundment Authority.** Any town police officer may impound an animal found in violation of this chapter or may issue a criminal citation instead of impoundment. When an animal is impounded, the officer shall document the reason for impoundment and provide a description of the animal. The officer may place the animal in temporary town custody until it can be transported to a designated external facility approved by the town manager.
- (b) **Owner Notification.** If the animal has an ID tag or microchip, the officer or facility staff shall make a reasonable effort to notify the owner immediately. If the owner cannot be identified, notice of the impoundment shall be posted at the designated facility. The method and date of notice—whether written, verbal, or posted—shall be recorded.
- (c) **Holding Period and Disposition.** The notice shall include a description of the animal and shall inform the owner that unless redeemed, the animal may be adopted, sold, or euthanized after five (5) days from the date of notice. The receiving facility shall have discretion over the final disposition based on its policies and in accordance with town direction.
- (d) **Redemption Conditions.** Owners may redeem their animals unless otherwise prohibited by this chapter. No animal shall be released without payment in full of all applicable fees, fines, and charges. A fee schedule shall be posted at the designated facility and approved by town council. Payment of such fees shall not exempt the owner from any related criminal liability.
- (e) **Euthanasia.** An impounded animal may be humanely euthanized if it is seriously ill, is a known carrier of contagious disease, or poses a danger to public safety and cannot be safely adopted.
- (f) **Spay/Neuter and Microchip Requirements.** All dogs and cats redeemed or adopted after impoundment must be microchipped before release. Each must also be spayed or neutered within thirty (30) days of impoundment unless a veterinarian certifies the animal is too young, medically unfit, or is a registered service or working animal.

Section 13.03 ABANDONED OR MISTREATED ANIMALS

- (a) **Prohibited Conduct.** It shall be unlawful for any person to abandon or mistreat any animal within the Town of Atlantic Beach. An animal found to be abandoned or mistreated may be immediately impounded by a police officer pursuant to a lawfully issued warrant or under exigent circumstances to alleviate suffering.

- (b) **Enforcement and Impoundment.** When the owner or keeper of an abandoned or mistreated animal is identifiable, such person shall be subject to criminal prosecution in addition to impoundment of the animal. Upon a determination by a court of competent jurisdiction that the animal was abandoned or mistreated, the owner or keeper shall forfeit any right to redeem the animal.
- (c) **Injured Animals.** Citizens shall have a duty to report the injury of an animal to the police department. If the animal is taken into temporary custody, the police may transport it to a designated facility approved by the town manager. If the owner or keeper cannot be located within two (2) hours of arrival at the designated holding facility, and the animal is suffering, humane euthanasia may be administered by shelter or veterinary personnel at the direction of the town. In any case of severe injury or illness, euthanasia may be performed immediately for humanitarian purposes.
- (d) **Penalty.** A violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 13.04 NUISANCE ANIMALS

- (a) **Prohibited Conduct.** It shall be unlawful for any person to own, keep, possess, or maintain an animal in a manner that constitutes a public nuisance within the Town of Atlantic Beach.
- (b) **Enforcement.** Police officers may investigate and initiate criminal process upon probable cause that an animal constitutes a public nuisance. A nuisance animal may be immediately impounded by a police officer if it poses a threat to public health, safety, or welfare, or to alleviate the animal's suffering.
- (c) **Examples of Nuisance Behavior.** By way of example and not limitation, the following acts or conditions shall constitute a public nuisance:
 - (i) *Failure to exercise sufficient restraint necessary to control an animal, or allowing the animal to become stray.*
 - (ii) *Allowing or permitting an animal to damage property not belonging to the owner, including turning over garbage containers or damaging gardens, flowers, or vegetables.*
 - (iii) *Keeping, owning, or displaying a vicious or dangerous animal, or a wild or feral animal, as defined in this chapter.*
 - (iv) *Maintaining animals in unsanitary conditions that result in offensive odors or pose a danger to the animal or public health.*

- (v) *Maintaining property in an offensive, annoying, or dangerous condition due to the number, type, variety, density, or location of animals kept on the premises.*
- (vi) *Allowing or permitting an animal to bark, whine, howl, crow, or cackle in an excessive, continuous, or untimely fashion such that it interferes with the reasonable use and enjoyment of neighboring property.*
- (vii) *Maintaining an animal that is diseased and poses a danger to public health.*
- (viii) *Maintaining an animal that habitually or repeatedly charges, chases, snaps at, attacks, or barks at pedestrians, cyclists, or vehicles.*
- (ix) *Failing to confine a female pet in heat. Every female pet in heat shall be confined in a building or secure enclosure in a manner that does not create a nuisance by attracting other animals.*
- (d) **Penalty.** A violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

**Section 13.05 ANIMALS RUNNING AT LARGE; LEASH REQUIREMENT; RABIES
VACCINATION; REMOVAL OF WASTE**

- (a) **Prohibited Conduct.** It shall be unlawful for any owner or keeper to intentionally or negligently allow an animal to run at large within the Town of Atlantic Beach. Except in public parks designated and posted by the town, any animal off the premises of the owner or keeper shall be restrained by a leash not exceeding seven (7) feet in length and ~~or~~ shall be under the control and command of a competent person. Domesticated cats are not required to be on a leash when off the property of the owner or keeper.
- (b) **Vaccination Requirement.** No person shall own or keep an animal over four (4) months of age within the town unless the animal has been appropriately vaccinated against rabies by a licensed veterinarian. All dogs shall wear a collar or harness securely attached to the body, bearing both:
 - (i) *A current rabies tag issued by a licensed veterinarian; and*
 - (ii) *An identification tag listing the name and contact information of the owner or keeper.*
- (c) **Waste Removal Requirement.** It shall be unlawful for any person to fail to promptly remove and properly dispose of feces left by an animal on any public property or on private property not owned by the animal's owner or keeper. Failure to remove such waste may be deemed a nuisance and shall be enforceable under this chapter.

- (d) **Penalty.** A violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$~~500~~200.00), plus applicable assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 13.06 DOGS ON BEACHES PROHIBITED DURING CERTAIN HOURS

- (a) **Prohibited Conduct.** It shall be unlawful for any person to allow a dog to be on the public beaches between the hours of 10:00 a.m. and 5:00 p.m., from May 1 through Labor Day of each year. This restriction shall not apply to assistance animals or dogs actively used in official law enforcement activities.
- (b) **Enforcement.** Any person in violation of this section shall be subject to citation or arrest by a police officer, and the dog may be impounded by the officer in accordance with the impoundment procedures set forth in this chapter.
- (c) **Penalty.** A violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 13.07 ANIMALS PROHIBITED AT SPECIAL EVENTS

- (a) **Prohibited Conduct.** No owner or keeper shall permit any animal—whether leashed, restrained, or unrestrained—to be present within an area designated for a special event authorized by a town-issued permit, unless the permit specifically authorizes the presence of animals.
- (b) **Exceptions.** This provision shall not apply to assistance animals or to animals used in the course of official law enforcement duties or approved service animals (must provide documentation).
- (c) **Enforcement.** Any person in violation of this section shall be subject to citation or arrest by a police officer, and the animal may be impounded by the officer as provided in this chapter.
- (d) **Penalty.** A violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$~~250~~500.00), plus applicable fees and assessments, or by imprisonment for a period not to exceed thirty (30) days.

Section 13.08 IMPOUNDMENT OF VICIOUS OR DANGEROUS DOGS WITHOUT WARRANT

- (a) **Prohibited Conduct.** A police officer may immediately impound a vicious or dangerous dog without a warrant when immediate action is necessary to protect the public. The officer shall consider the animal's behavior, visible aggression, history of incidents, and any facts that would lead a reasonable person to conclude that danger is imminent or probable.
- (b) **Enforcement.** Police officers acting under this section may use reasonable means to secure and transport the animal for impoundment. The animal shall be placed in temporary custody and transported to a designated facility approved by the town manager. All actions shall comply with town policies and humane handling standards.
- (c) **Penalty.** This is an emergency authority for public safety purposes. The owner shall not be penalized solely under this section unless separate charges are filed under other provisions of this chapter.

Section 13.09 IMPOUNDMENT OF VICIOUS OR DANGEROUS DOGS PURSUANT TO WARRANT

- (a) **Prohibited Conduct.** A vicious or dangerous animal may be impounded pursuant to a lawfully issued search and seizure warrant if a ministerial recorder, municipal judge, or magistrate determines that probable cause exists under Section 4-7(a)(1). Impoundment may also occur without a warrant if a police officer determines the animal exhibits dangerous propensities under Section 4-11(b) and initiates a formal charging document against the owner.
- (b) **Enforcement.** The warrant shall authorize the removal of the animal from the premises and its transfer to a designated holding facility approved by the town manager, where it shall remain pending final resolution by the court.
- (c) **Penalty.** Criminal proceedings initiated under this section shall proceed in accordance with applicable municipal procedures. Disposition of the animal and any additional penalties shall be determined by the court based on the outcome of the case.

Section 13.10 DISPOSITION OF DANGEROUS ANIMALS AFTER JUDICIAL FINDING

- (a) **Prohibited Conduct.** If a court of competent jurisdiction determines that an owner or keeper has harbored a vicious or dangerous animal in violation of this chapter, the animal shall not be eligible for redemption under any circumstance.
- (b) **Enforcement.** Upon such a finding, the animal shall become the property of the designated holding facility approved by the town manager. The animal may be humanely euthanized or otherwise disposed of in a manner that serves the interest of public safety, as determined by the facility in consultation with the town.

- (c) **Penalty.** In addition to the permanent loss of the animal, the owner or keeper may be subject to criminal penalties as provided under this code, including a fine not to exceed five hundred dollars (\$500.00), or imprisonment for up to thirty (30) days, or both.

Section 13.11 KENNEL REGULATIONS

- (a) **Prohibited Conduct.** No person shall own or operate a kennel within the Town of Atlantic Beach without first passing an inspection and receiving written approval from the town police department or its designee.
- (b) **Standards.** All commercial kennels shall conform to the current standards and procedures promulgated by the Humane Society of the United States. Non-commercial kennels shall meet the following minimum requirements:
 - (i) *Be connected to the town sanitary sewer system;*
 - (ii) *Have impervious and sealed flooring, sloped at a minimum of one-half (½) inch per foot for proper drainage; and*
 - (iii) *Provide a minimum of fifteen (15) square feet of space per animal.*
- (c) **Enforcement.** All kennels must comply with applicable town building codes, zoning regulations, and these animal welfare standards. Failure to comply may result in permit denial, suspension, or revocation.
- (d) **Penalty.** A violation of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment for a period not to exceed thirty (30) days, or both.

Section 13.12 SIGNAGE AND INSURANCE FOR GUARD OR ATTACK DOGS

- (a) **Prohibited Conduct.** Owners, keepers, or custodians of any guard or attack dog shall securely confine the animal within a fenced or enclosed area to prevent escape. In addition, prominent warning signs shall be posted at all entrances and exits to the premises where such dogs are kept. Warning signs must be clearly visible and state “Beware of Dog,” “Attack Dog on Premises,” “Guard Dog on Premises,” or similar language, using letters at least four (4) inches in height.
- (b) **Insurance Requirement.** All property owners utilizing guard dogs for security purposes shall maintain a valid general liability insurance policy with coverage in an amount not less than three hundred thousand dollars (\$300,000.00). The policy must insure against bodily injury, personal injury, and property damage resulting from any acts of the guard or attack dog. Documentation of insurance coverage shall be provided to the town clerk upon request.

- (c) **Exceptions.** This section shall not apply to guard dogs that are owned and used exclusively by law enforcement agencies acting within the scope of their duties.
- (d) **Penalty.** Failure to comply with any provision of this section, including signage or insurance requirements, shall constitute a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment for a period not to exceed thirty (30) days, or both.

Section 13.13 Dangerous or Wild Animals Prohibited; Limited Exceptions.

- (a) **Prohibited Conduct.** It shall be unlawful for any person to own, keep, harbor, sell, or exhibit any animal that is dangerous or wild by nature within the corporate limits of the town, except as expressly provided in this section.
- (b) **Definitions.** For purposes of this section:
 - (i) *Dangerous animal means any animal which, by its nature or behavior, poses a threat of bodily harm to humans or other animals, including animals with a known history of aggressive behavior or attacks.*
 - (ii) *Wild animal means any non-domesticated animal not customarily kept as a household pet, including but not limited to: bears, wolves, coyotes, non-human primates, large cats, venomous snakes, crocodilians, and animals regulated under South Carolina law as exotic or inherently dangerous wildlife.*
 - (iii) *Feral animal means a domesticated species, such as a cat or dog, that has reverted to a wild state and is not under the custody of any identifiable owner.*
- (c) **Exceptions.** The following circumstances shall not constitute a violation of this section:
 - (i) *Service Animals. Animals individually trained to assist a person with a disability as defined by the Americans with Disabilities Act (ADA).*
 - (ii) *Temporary Exhibitions. Animals used in a licensed traveling show, circus, or educational program may be temporarily present in town with prior written approval by the Town Council, and subject to appropriate safety measures.*
 - (iii) *Licensed Wildlife Rehabilitators. Wild animals in the custody of a licensed wildlife rehabilitator or veterinarian for medical treatment or rehabilitation, in compliance with applicable state permits.*
 - (iv) *Feral Cat Management. The humane management of feral cats through a trap-neuter-return (TNR) program operated by a recognized nonprofit animal welfare organization, provided:*
 - 1) Cats are sterilized and vaccinated;

- 2) Caregivers provide basic food and shelter; and
 - 3) No cats are released in residential areas without Town Council approval.
- (d) **Seizure and Impoundment.** Any animal found to be in violation of this section may be seized by law enforcement or county animal control, if available, and impounded or otherwise handled in accordance with applicable law. The town shall not be obligated to house or care for seized animals but may contract with the county or other humane organization for such services.
- (e) **Penalties.** Each violation of this section shall constitute a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00), or imprisonment for up to thirty (30) days, or both. Each day a violation continues shall constitute a separate offense.