



*City of Charleston
South Carolina*

Clerk of Council Department

JOHN J. TECKLENBURG
MAYOR

VANESSA TURNER MAYBANK
CLERK OF COUNCIL

PUBLIC SAFETY COMMITTEE

**80 Broad Street
City Hall, First Floor Conference Room
Tuesday, January 21, 2020
4:30 p.m.**

Mayor John J. Tecklenburg
Councilmember Peter Shahid, Chair
Councilmember Michael Seekings, Vice Chair
Councilmember Jason Sakran
Councilmember Kevin Shealy

AGENDA

1. Moment of Silence
2. Approval of minutes
- January 14, 2020
3. Good Deed Award Program between the City of Charleston Police Department and The Citadel Athletic Department
4. An ordinance to amend Chapter 28, Section 45, of the Code of the City of Charleston, South Carolina, to provide in subsection (f)(3) that a person convicted of a third or subsequent violation of this section may be prohibited from returning to the streets and sidewalks delineated in section (b) for a period of sixty (60) days.
5. An ordinance to amend Chapter 21, Section 67, of the Code of the City of Charleston, South Carolina, to provide in subsection 67(h)(3) that if an abandoned watercraft is removed by the City all costs associated with the removal shall become a lien against the watercraft and that the City may bring an action to recover these costs from the owner.
6. Adjournment

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.



Good Deed Award

In an effort to recognize positive influences and the power of caring acts within the Charleston community, The Citadel Athletic department is proposing a partnership with the Charleston Police Department for a “Good Deed Award” during the 2020 Citadel Baseball season. The Good Deed Award would include nominations collected through a form on citadelsports.com for “good deeds” from the Charleston community. The partnership would allow for the community division within the Charleston Police Department to have the opportunity for positive outreach.

The partnership with the Charleston Police Department would include:

- An official announcement of the partnership and program.
- A certificate of nomination for each submission that meets or exceeds the outlined criteria to be signed by Chief Reynolds (or his designee)
- Photo opportunity during each game recognition with the selected honoree(s) – four games + overall honoree (s)
- Ongoing promotion through emails, social media, and other forms of publicity during the initial announcement of the partnership as well as the submission dates (outlined below)

Proposed criteria set forth for the good deeds would include:

- Any form of selfless act, such as donating time, money, or in-kind to an organization/non-profit
- Act of valor (CPR, first aid, rescue from peril)
- Serving as an inspirational role model to the Charleston Community

Proposed voting deadlines:

	Submission Dates	Submission Deadline	Voting Deadline	Game Recognition
1	Monday, Jan.20, 2020 - Thursday, Feb. 6, 2020	Thursday, Feb. 6, 2020	Monday, Feb. 10, 2020	Sunday, Feb. 16, 2020
2	Monday, Feb. 24, 2020 - Thursday, Mar. 5, 2020	Thursday, Mar. 5, 2020	Monday, Mar. 9, 2020	Sunday, March 15, 2020
3	Monday, Mar. 23, 2020 - Thursday, Apr. 2, 2020	Thursday, Apr. 2, 2020	Monday, Apr. 6, 2020	Sunday, April 5, 2020
4	Monday, Apr. 13, 2020 - Thursday, Apr. 23, 2020	Thursday, Apr. 23, 2020	Monday, Apr. 27, 2020	Sunday, May 3, 2020
	NA	NA	Monday, May 4, 2020	Tuesday, May 12, 2020

Recognition for submissions would include:

- A certificate of nomination for each submission that meets or exceeds the outlined criteria to be signed by Chief Reynolds (or his designee). The Citadel will design, create, and distribute (in person or mail) the certificates.

The awards would include:

- A certificate of award for the Good Deed that meets or exceeds the outlined criteria to be signed by Chief Reynolds (or his designee). The Citadel will design, create, and distribute (in person or mail) the certificates.
- Photo opportunity during each game recognition with the selected honoree(s). This will include a representative from The Citadel as well.
- First Pitch opportunity during each game recognition with the selected honoree(s).
- Tickets for them and their family to the game.

Final award:

One stand out Good Deed will be honored at the Tuesday, May 12, 2020 Citadel Baseball game vs Clemson.

- A certificate of award for the Good Deed that meets or exceeds the outlined criteria to be signed by Chief Reynolds (or his designee). The Citadel will design, create, and distribute (in person or mail) the certificates.
- Photo opportunity during each game recognition with the selected honoree(s). This will include a representative from The Citadel as well.
- First Pitch opportunity during each game recognition with the selected honoree(s).
- Tickets for them and their family to the game.

Voting Process:

Voting Committee: (two (2) employees/designees of The Citadel Athletic Department and two (2) employees/designees of The Charleston Police Department; if required a third designee of The Citadel Athletic Department will be assigned)

Voting will be conducted electronically. On the submission deadline (see proposed voting deadlines), The Citadel will provide the voting committee with the submissions that meet or exceed the outlined criteria via email. The voting committee will provide one (1) top selected submission no later than the designated deadline.

The Citadel Athletic Department will inform the voting committee of the selected honoree.

The Charleston Police Department will inform the selected nomination of their award via phone and/or email.

The Citadel Athletic Department will follow up to provide details of the tickets, first pitch and photo opportunity.

Proposed timeline:

Action Item	Deadline
Partnership Consideration Dates	Monday, January 6 – Monday, January 13, 2020
Draft submission form on citadelsports.com	Wednesday, January 8, 2020
Modify criteria/voting deadlines/program details	Wednesday, January 15, 2020
Finalize citadelsports.com submission form	Wednesday, January 15, 2020
Partnership announcement (dual press release)	Friday, January 17, 2020



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 28, SECTION 45, OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO PROVIDE IN SUBSECTION (F)(3) THAT A PERSON CONVICTED OF A THIRD OR SUBSEQUENT VIOLATION OF THIS SECTION MAY BE PROHIBITED FROM RETURNING TO THE STREETS AND SIDEWALKS DELINIATED IN SECTION (B) FOR A PERIOD OF SIXTY (60) DAYS

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 28, Section 45, of the Code of the City of Charleston is hereby amended by adding thereto the following underlined words and phrases which shall read as follows:

Sec. 28-45. - Promotion of civil sidewalks.

(a) *Findings.* The King and Market Street corridors in the downtown area of the city are places of gathering and commerce, where patrons, residents and visitors conduct business, shop, sightsee and recreate. Being in the heart of the peninsula, these corridors offer an array of services to support residents living nearby and those coming into the peninsula to enjoy the urban core of the city, to include shopping, dining and art venues. Being in the heart of the tourism district, these corridors are heavily impacted not by just visitors, but also by vendors and service providers tending to the needs of the industry businesses. Being adjacent to the College of Charleston campus, these corridors are also impacted by students tending to daily needs or seeking places to recreate. The sidewalks of these corridors, part of an urban street grid established in the eighteenth century, are narrow by modern standards and are incapable of being enlarged in any meaningful way. It is imperative that pedestrian flow along the sidewalks of these corridors be safe, effective and efficient during times of heavy use. The primary purpose of a sidewalk is to provide a means of conveyance by foot. Interferences with that purpose should be minimized to the extent feasible. Sitting or lying on the sidewalks of the King and Market Street corridors during times of heavy use poses a threat to safe pedestrian passage, especially for the elderly, disabled, vision-impaired and small children. As there exist alternate public places in the vicinity of the King and Market Street corridors that accommodate sitting or lying down, council finds it necessary and in furtherance of the public peace and good order that sitting or lying on the sidewalks of the King and Market Street corridors be regulated in a manner that promotes safety but which preserves these areas for

traditional constitutional expression and other lawful activity on sidewalks consistent with any city permitting requirements.

(b) *Prohibition.* During the hours between eight (8:00) a.m. and two (2:00) a.m., it is unlawful to sit or lie down upon a public sidewalk:

- (1) On King Street, between Line Street and Broad Street;
- (2) On streets crossing King Street for one (1) block in either direction of King Street between and including Line Street and Broad Street;
- (3) On North and South Market Streets, between King Street and East Bay Street; and
- (4) On streets crossing North and South Market Streets for one (1) block in either direction from North and South Market Streets between and including King and East Bay Street.

(c) *Exceptions.* The prohibitions in subsection (b) shall not apply to any person:

- (1) Sitting or lying on a public sidewalk due to a medical emergency;
- (2) Using a wheelchair, walker, or similar device as the result of a disability;
- (3) Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a sidewalk use permit;
- (4) Participating in or attending a parade, festival, performance, rally, demonstration, meeting, picketing, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit;
- (5) Sitting on a fixed chair or bench located on the public sidewalk supplied by a public agency or by the abutting private property owner;
- (6) Sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk; or,
- (7) Who is a child seated in a stroller.

(d) *Warning.* No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a police officer that the conduct violates this section.

(e) *Other laws and orders.* Nothing in any of the exceptions listed in subsection (c) shall be construed to permit any conduct which is prohibited by City Code sections 17-93, 17-98, and 21-109, which prohibit willfully and substantially obstructing the free passage of any person.

(f) *Penalties.*

(1) *First offense.* Upon conviction for a first offense of this section, the court shall impose a fine of not more than twenty-five dollars (\$25.00).

(2) *Subsequent offenses.* Upon conviction for a second offense of this Section, the court shall impose a fine of not more than fifty dollars (\$50.00). All further violations of this section maybe handled in a manner consistent with the City's general penalty provision as provided in section 1-16 of this Code.

(3) Trespass. In addition to these penalties, a person convicted of a third or subsequent violation of this section may be prohibited from returning to the streets and sidewalks delineated in section (b) for a period of 60 days from the date such notice is given. Notice of this prohibition may be given by any code enforcement officer, police officer, city attorney or judge of municipal court. Upon conviction of this provision a person may be sentenced in a manner consisted with the City's general penalty provision as provided I section 1-16 of this Code in addition to the penalties set forth above.

(g) *Reporting.* One (1) year after the effective date of the ordinance from which this section derives, and every two (2) years thereafter, the police department shall make a written report to the mayor and the city council members that evaluates the effectiveness of enforcement of this section in the King and Market Street Corridors as set out herein.

(h) *Outreach.* The city shall maintain an outreach plan summarizing the city's efforts with assisting those that are chronically found sitting or lying down on a public sidewalk. The outreach plan must outline what assistance the city supplies to connect individuals in need of social services with providers of the social services. The plan must also include, but not be limited to, health care and social service capacity, evaluation of service delivery and identification of areas for improved service delivery.

(i) *Severability.* If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of the remaining portions of this section or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase or word.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in
the Year of Our Lord, 2020, in the _____ Year of
Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank,
Clerk of Council



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 21, SECTION 67, OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO PROVIDE IN SUBSECTION 67(H)(3) THAT IF AN ABANDONED WATERCRAFT IS REMOVED BY THE CITY ALL COSTS ASSOCIATED WITH THE REMOVAL SHALL BECOME A LIEN AGAINST THE WATERCRAFT AND THAT THE CITY MAY BRING AN ACTION TO RECOVER THESE COSTS FROM THE OWNER.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 21, Section 67, of the Code of the City of Charleston is hereby amended by adding thereto the following underlined words and phrases which shall read as follows:

Sec. 21-67. - Abandoned watercraft.

- (a) *Findings of fact.* City council hereby makes the following findings of fact:
 - (1) Abandoned watercraft on the land and water of the State of South Carolina have become a problem by way of safety issues, aesthetics and the environment;
 - (2) The South Carolina Legislature recently addressed this issue with new legislation which went into effect in December 2008;
 - (3) Section 50-21-30(1) of the referenced new state legislation specifically authorizes a municipality to pass a local ordinance pertaining to the subject of abandoned watercraft provided the provisions of such ordinance are identical to the provisions of Chapter 21 of Title 50 of the Code of Laws of South Carolina;
 - (4) Abandoned watercraft and the like have become a problem on the land and waters of the City of Charleston by way of safety issues, aesthetics and the environment and, as such, further finds that the regulations contained herein are necessary and proper, fair and reasonable, and are in the best interest of the City of Charleston; and
 - (5) City council has the authority to amend its Code of Ordinances, and now desires to so act with respect to the subject of abandoned watercraft.
- (b) *Authority.* This division is adopted for the promotion of the public health, safety and welfare and general convenience, pursuant to the police powers of municipalities generated by state legislation, including the State Home Rule Act, construed in accordance with provisions of the South Carolina

State Constitution and the South Carolina Code of Laws, and pursuant to the authority conferred by Title 50 of the South Carolina Code of Laws, specifically Section 50-21-30(1) thereof.

(c) *Definitions.* Except where the context clearly indicates otherwise, the following terms and phrases as used in this definition shall have the following meanings:

(1) *Abandon* or *abandoned* means any watercraft that has been moored, stranded, wrecked, sinking, or sunk, and has been left unattended for longer than forty-five (45) days. A watercraft is not abandoned if it is legally moored or is on private property.

(2) *Boat* means a vessel.

(3) *City* means the City of Charleston.

(4) *Department* means the South Carolina department of Natural Resources.

(5) *Legally moored* means any watercraft that has been moored or secured in a particular place in the water which is either done so pursuant to an OCRM permit or is located in an anchorage area approved by the U.S. Coast Guard.

(6) *Marina* means a facility which provides mooring or dry storage for watercraft.

(7) *Outboard motor* means a combustion engine or electric propulsion system, which is used to propel a watercraft and which is detachable from the watercraft as a unit. No outboard motor of less than five (5) horsepower or its equivalent is required to be titled under this division.

(8) *Owner* means a person, other than a lienholder, who claims lawful possession of a vessel or outboard motor by virtue of legal title or equitable interest in it which entitled him to possession.

(9) *Person* means an individual, a partnership, a firm, a corporation, an association, or other legal entity.

(10) *Temporary certificate of number* is a temporary registration assigned to a vessel to allow operation for a limited purpose.

(11) *Unattended* as it pertains to watercraft means there are no observable change in circumstances or evidence of being looked after or maintained in any way and no substantial change in location.

(12) *Use* means operate, navigate, or employ.

(13) *Vessel* means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

(14) *Waters of the city* means waters within the territorial limits of the City of Charleston but not on private lakes or ponds.

(15) *Waters of the state* means waters within the territorial limits of the State but not private lakes or ponds.

(16) *Watercraft* means any thing used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or any thing that does not meet construction or operation requirements of state or federal government for watercraft.

(d) *Declaration of policy.* It is the policy of the city to promote safety for persons and property in and connected with the use, operation, and enjoyment of vessels on the land and waters of the city and the State of South Carolina which are located within the jurisdictional limits of the city.

(e) *Scope.* The provisions of this division and other applicable laws of this State, including but not necessarily limited to Title 50 of the South Carolina Code of Laws, shall govern all activity and matters related to abandoned watercraft on the land and waters of the City and the State of South Carolina which are located within the jurisdictional limits of the City.

(f) *Administration.* The administration and enforcement of the provisions of this Division shall be vested in the City of Charleston's Police Department. City police officers shall have the authority to board any vessel subject to the provisions of this Division or to any applicable rule or regulation for the purpose of inspection or determining compliance with the provisions of this Division and are empowered to issue a summons for appearance in court or make arrest for violations of this Division or the rules and regulations prescribed thereunder.

(g) *Towing of watercraft.* The city may tow and store at the nearest commercial marina or any other suitable facility any unattended watercraft or other object which constitutes a hazard to navigation and which is not within an anchorage area approved by the U.S. Coast Guard.

The owner may regain control of the watercraft or other object by proving ownership to the operator of the facility and paying the fee charged for storage.

(h) *Unlawful to abandon.*

(1) It is unlawful to abandon a watercraft or outboard motor on the public land or waters of this state or the city or on private property without permission of the property owner. This section does not apply to persons who abandon a watercraft in an emergency for the safety of the person onboard; however, after the emergency is over, the owner and operator of the abandoned watercraft shall make a bona fide attempt to recover the watercraft.

(2) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) or imprisoned up to thirty (30) days, or both. In addition, the owner must remove the abandoned watercraft within fourteen (14) days of conviction. The city municipal court is vested with jurisdiction for cases arising under this section.

(3) An abandoned watercraft must be removed at the risk and the expense of the owner. If removed by the city, all costs associated with the removal and storage of the watercraft shall become a lien against the watercraft. Nothing contained in this article shall prohibit the city from exercising its rights to bring an action to recover such costs associated with the removal and storage of the watercraft by the city.

(i) *Watercraft titles.*

(1) Any watercraft or outboard motor, or both, held or principally used in this State must be titled by the department. An owner of a watercraft or outboard motor titled in this State must notify the department within thirty (30) days if ownership is transferred to another person, entity, or transferred out of state or otherwise disposed.

(j) *Exceptions to titling.*

(1) Watercraft document by the United States Coast Guard or its predecessor or successor agency and water skis, aquaplanes, surfboard, windsurfers, and similar devices, and those watercraft propelled exclusively by human power are not required to be titled.

(k) *Evidence of ownership.*

(1) A certificate of title to a watercraft or outboard motor is prima facie evidence of ownership of a watercraft or outboard motor. All watercraft and outboard motors subject to the titling requirements of this division must be titled.

(2) No person may acquire a watercraft or outboard motor, subject to the titling requirements of this Division and Title 50 of the South Carolina Code of Laws, without obtaining a certificate of title or in the case of a new watercraft or outboard motor a manufacturer's or importer's statement of origin reflecting the person acquiring the watercraft or outboard motor as the original purchaser as provided in this Division and/or Title 50 of the South Carolina Code of Laws. In the case of watercraft or outboard motors from other jurisdictions that do not require titling, a bill of sale and proof of registration may be substituted for this title.

(3) No person may dispose of a watercraft or outboard motor subject to the titling provisions of this division and Title 50 of the South Carolina Code of Laws without transferring to the person acquiring the watercraft or outboard motor a certificate of title reflecting the transfer of the watercraft or outboard motor. In the case of new watercraft, a manufacturer's statement of origin must be delivered to the purchaser. In the case of watercraft or outboard motors from other states or foreign jurisdictions, which do not title such watercraft or out board motors, a bill of sale and proof of registration may be substituted.

(l) *Seizure of certain watercraft; notice of seizure and of time for removal; forfeiture and disposal.*

(1) A stolen or abandoned, junked, adrift, destroyed, or salvaged watercraft or outboard motor, a watercraft or outboard motor for which the true owner is not determined, or a watercraft or outboard motor on which the manufacturer's or assigned serial number has been destroyed, removed, covered, altered, or defaced may be seized.

(2) Upon seizure of the watercraft or outboard motor, the city shall notify a person claiming an interest in it, and the person has the right to prove his interest before the circuit court in the county where the property was seized. If no action is filed within sixty (60) days of notification, the department may retain the property for official use or transfer the property to another public entity for official use, sell the property at public auction, or, if the watercraft or outboard motor is determined to be unsafe, destroy it. The proceeds derived from the sale must be deposited in the boating operating fund of the city for administration of the program.

(3) When the city determines the owner of a seized watercraft or outboard motor and related marine equipment, it shall notify the owner by certified mail of the procedure, the location, and the fact that he has not less than thirty (30) days from the date of the certified letter to remove the equipment from the city's designated storage facility. If a security interest has been perfected, the city must notify the lienholder by certified mail allowing thirty (30) days to respond. Failure to respond within thirty days or remove the watercraft or outboard motor by the date designated forfeits the equipment to the City to be used or disposed of according to law.

(m) *Removal.* The city may chose to have a stolen or abandoned, junked, adrift, destroyed, or salvaged watercraft or outboard motor remain in the found location until such time as the owner of the watercraft or outboard motor is located, the watercraft or outboard motor is sold, or such time as all courses of laws are fulfilled.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in
the Year of Our Lord, 2020, in the _____ Year of
Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank,
Clerk of Council