

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 8, 2024

Agenda Item: 7B	Prepared for: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading	Date: January 3, 2024
Subject: Amendment to Chapter 5, Beaches and Waterways, of the Code of Ordinances for North Myrtle Beach, South Carolina regarding recreational fishing regulations	Division: Legal

Background:

This ordinance amendment will require any person who fishes in freshwater within the city limits to obtain a freshwater fishing license from the State of South Carolina before engaging in freshwater fishing activities.

In addition, the amendment will also make it unlawful for any person to fish within city parks or on city property except in designated areas as determined by the North Myrtle Beach Parks and Recreation Department.

Recommended Action:

Approve or deny the ordinance amendment on first reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2 nd By _____ To _____		

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING
THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH,
SOUTH CAROLINA, BE AMENDED BY REVISING CHAPTER 5, BEACHES
AND WATERWAYS, § 5-10—REGULATIONS REGARDING RECREATIONAL
FISHING, OF SAID CODE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL
DULY ASSEMBLES, THAT:**

Section 5-10. –Regulations regarding recreational fishing., be amended to read as follows (new matter underlined, deleted matter struck-through):

- (a) Any person who fishes in saltwater within the city shall obtain, as required by the South Carolina Code of Laws, a saltwater fishing license from the state before engaging in saltwater fishing within the city.
- (b) It shall be unlawful for any person to bait, fish for, catch, or otherwise attract sharks in the area of the beach from the shoreline extending seaward for the distance of one (1) mile into the Atlantic Ocean and/or in any saltwater area within the city including but not limited to inlets, marshes, channels and any portion of the Atlantic Intracoastal Waterway located within the jurisdictional limits of the city. In addition, no person shall chum for any marine life in the above referenced areas.

In the event a person engaged in saltwater fishing catches a shark or any other marine animal that he or she reasonably knows may pose a danger to persons swimming, wading or otherwise engaged in activities in the above referenced areas, such person shall release the same at the place where the shark or other dangerous marine animal was caught immediately upon recognizing the catch as a shark or other dangerous marine animal.

- (c) Lifeguards and public safety officers shall have the authority to require persons engaged in saltwater fishing to cease fishing if circumstances indicate that cessation of fishing is in the interest of public safety. In the event a lifeguard or public safety officer determines that fishing is unsafe, the lifeguard or public safety officer may order any person engaged in saltwater fishing to immediately cease fishing. Any person engaged in saltwater fishing ordered to cease fishing shall immediately comply with the order until such time as the lifeguard or public safety officer indicates that it is safe to resume fishing. The lifeguard or public safety officer may indicate that saltwater fishing may occur at an alternate location during the time that the cease fishing order is effective.
- (d) All debris, bait, fish line, hooks, and other fishing equipment or tackle must be contained and not allowed to be placed uncontained upon the beach or any area where saltwater fishing activities occur and shall be removed from the beach or saltwater fishing area immediately after any fishing has been concluded.
- (e) Any person who fishes in freshwater within city limits shall obtain, as required by the South Carolina Code of Laws, a freshwater fishing license from the State of South Carolina before engaging in freshwater fishing within the city.**
- (f) It shall be unlawful for any person to fish within city parks or on city property except in designated areas as determined by the North Myrtle Beach Parks and Recreation Department.**
- (g) Penalty.** A person who violates any provision of this section shall be subject to punishment under ~~s~~Section 1-6 upon conviction.

(Code 1970, § 6-17; Ord. of 6-17-75; Ord. No. 12-28, 12-17-12)

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED:

City Manager

FIRST READING: 1.8.2024

SECOND READING: _____

ORDINANCE: _____