

TOWN OF EDISTO BEACH

AN ORDINANCE

To amend Chapter 38, Article II, Division 3 of the Code of Ordinances of the Town of Edisto Beach, so as to adopt Section 38-82A to prohibit the introduction, planting or maintaining of beach vitex within the Town of Edisto Beach, and to amend the enforcement procedure of Sections 38-83(a), 38-84(a) and (b) and 38-86 to apply to introduction, planting or maintenance of beach vitex within the Town of Edisto Beach.

WHEREAS, it has come to the attention of the Town Council of the Town of Edisto Beach that a plant commonly known as beach vitex is a highly aggressive plant that succeeds well in beach type environments; and

WHEREAS, certain beaches within the State of South Carolina have recently been overrun by beach vitex much to the detriment of the local community; and

WHEREAS, the Town Council of the Town of Edisto Beach has concluded that introduction of beach vitex would create a public nuisance within the Town of Edisto Beach and, if introduced should be eradicated;

NOW THEREFORE, Be it ordained by the Mayor and Council of the Town of Edisto in Council duly assembled and by the authority of the same:

1. Chapter 38, Article II, Division 3 of the Code of Ordinances for the Town of Edisto Beach, as amended, is further amended to adopt Section 38-82A to be located between the current Section 38-82 and Section 38-83 to read as follows:

Sec. 38-82A. Unlawful to introduce, plant or maintain beach vitex within the Town of Edisto Beach.

It shall be unlawful for any person to introduce, plant or maintain beach vitex within the Town of Edisto Beach.

2. Section 38-83 (a) shall be amended to read as follows:

(a) The maintaining of premises in violation of the terms and provisions of Sections 38-81, 38-82 and 38-82A is declared to be a nuisance.

3. Section 38-84 (a) and (b) are amended to read as follows:

(a) *Conditions prohibited.* It shall be unlawful for any owner of any lot or parcel of land within the town to permit the conditions set forth in sections 38-81, 38-82 or 38-82A to exist or to continue.

(a) *Duty of owner.* (i) It shall be the duty of the owner of any such lot

or parcel in violation of the prohibition set forth in sections 38-81 or 38-82, including the abutting owners of the alleys in violation thereof, to cut or cause to be cut, as low as practicable, such weeds, or to remove or cause to be removed such debris or rubbish as often as may be necessary to prevent the prohibited conditions.

(ii) It shall be the duty of the owner of any such lot or parcel in violation of the prohibitions set forth in Section 38-82A including the abutting owners of the alleys in violation thereof to take all appropriate action to eradicate the beach vitex. Eradication of beach vitex shall be in accordance with best agricultural practices as recommended by Clemson University. The Town Administrator shall insure that pamphlets or other information setting forth such best agricultural practice is available to the public at Town Hall.

4. Section 38-86 of the Code of Ordinances of the Town of Edisto Beach, as amended, is further amended to read as follows:

Whenever the owner of any property shall place any occupant, tenant or other person in charge of any property, such occupant, tenant or other person in charge may be held personally accountable for permitting or allowing any violation of sections 38-81, 38-82 and 38-82A, as in case of any other misdemeanor; and the owner may be held personally accountable for any costs incurred by the town in taking properly corrective action, whether the failure of action is occasioned by the owner, occupant, tenant or other person in charge of such property.

5. This Ordinance shall take effect upon approval by Council.

By: _____
Burley L. Lyons, Mayor

ATTEST:

By: _____
Linda Woods, Administrator

First Reading: August 10, 2005
Amended:
Adopted: _____