~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 10, 2011

**S. 520**

Introduced by Senators Cleary and Rankin

S. Printed 3/10/11--S.

Read the first time February 9, 2011.

**THE COMMITTEE ON**

**AGRICULTURE AND NATURAL RESOURCES**

To whom was referred a Bill (S. 520) to amend Section 48‑39‑290 of the 1976 Code, relating to construction or reconstruction seaward of the baseline or between the baseline and setback line, to provide that, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking all after the enacting words and inserting:

/ SECTION 1. Section 48‑39‑290(A)(3) of the 1976 Code is amended to read:

“(3) fishing piers and associated amenity structures which are open to the public. Those fishing piers with their associated amenity structures including, but not limited to, baitshops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated amenity structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date also may be rebuilt and used for the same purposes if they are constructed to the same dimensions;”

SECTION 2. Section 48‑39‑290(A)(8)(e)(ii) of the 1976 Code is amended to read:

“(ii) restoration of the adversely affected beach and adjacent real estate through renourishment pursuant to subsection (c).

An adjacent or downdrift property owner that claims a groin has caused or is causing an adverse impact shall notify the department of such impact. The department shall render an initial determination within sixty ~~(60)~~ days of such notification. Final agency action shall be rendered within twelve months of notification. An aggrieved party may appeal the decision pursuant to the Administrative Procedures Act.

A permit must be obtained from the department for items (2) through (8). However, no permit is required pursuant to this chapter for associated amenity structures constructed on fishing piers if local governmental bodies are responsible for the planning and zoning to authorize construction of the amenity structures. Associated amenity structures do not include those employed as overnight accommodations or those consisting of more than two stories above the pier decking. Associated amenity structures, excluding restrooms, handicapped access features, and observation decks, may occupy no more than thirty‑five percent of the total surface area of the fishing pier or be constructed at a location further seaward than one‑half the length of the fishing pier as measured from the baseline.”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

DANIEL B. VERDIN III for Committee.

**A** **BILL**

TO AMEND SECTION 48‑39‑290 OF THE 1976 CODE, RELATING TO CONSTRUCTION OR RECONSTRUCTION SEAWARD OF THE BASELINE OR BETWEEN THE BASELINE AND SETBACK LINE, TO PROVIDE THAT FISHING PIERS AND THEIR RELATED STRUCTURES, WHICH ARE OPEN TO THE PUBLIC AND APPROVED BY THE LOCAL ZONING AND PLANNING AUTHORITY, MAY BE CONSTRUCTED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 48‑39‑290(A)(3) of the 1976 Code is amended to read:

“(3) fishing piers and their associated structures which are open to the public~~. Those fishing piers with their associated structures including, but not limited to, baitshops, restrooms, restaurants, and arcades which existed September 21, 1989, may be rebuilt if they are constructed to the same dimensions and utilized for the same purposes and remain open to the public. In addition, those fishing piers with their associated structures which existed on September 21, 1989, that were privately owned, privately maintained, and not open to the public on this date also may be rebuilt and used for the same purposes if they are constructed to the same dimensions~~ and approved by the local zoning and planning authority;”

SECTION 2. This act takes effect upon approval by the Governor.

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