

Greenwood County Council has enacted an Ordinance which regulates activities within Lake Greenwood. Greenwood County Council has also enacted Resolutions which set forth the details of the permissions for our Neighbors to use Lake Greenwood

ORDINANCE 2015-12	Ordinance Amending Ordinance No 15-03 Regulating Activities within the Project Boundary of Lake Greenwood.
RESOLUTION 2004-05	Resolution Restricting Activities within Shoreline Protection Zones after February 21, 2002.
RESOLUTION 2004-17	Resolution Establishing Procedures Allowing Restrictive Covenants for a Subdivision to be applied to that portion of Lake Greenwood which adjoins property within that Subdivision and to Provide for the Enforcement thereof.
RESOLUTION 2005-24	Resolution Implementing Regulations Enforcing the Provisions Prohibiting the Discharge of Sewage into Lake Greenwood.
RESOLUTION 2006-01	Resolution Establishing Regulations for Mechanical Devices or Automated Machinery Operated within the Project Boundary of Lake Greenwood.
RESOLUTION 2007-13	Resolution Establishing Amended Regulations for Encroachments Constructed on Lake Greenwood for Single Family Residential Dwellings. (Supersedes Resolution No 23-04).
RESOLUTION 2007-19	Resolution Establishing Regulations for Community Docks on Lake Greenwood.
RESOLUTION 2007-23	Resolution Establishing Regulations for Marinas on Lake Greenwood.
RESOLUTION 2009-19	Resolution Amending the Definition of Commercial Marinas in Resolution 2007-23 to Include Piers Serving Campgrounds and Providing for the Fees to be Charged to Commercial Marinas Already in Existence
RESOLUTION 2009-21	A Resolution Extending the Time for the Construction of Certain Community Docks under Resolution 2007-19
RESOLUTION 2011-09	A Resolution Establishing Deadlines for the Payment of Pier Fees; Penalties for Pier Fees Which Become Delinquent; and other Matters related thereto
RESOLUTION 2013-13	A Resolution Amending Resolution 2007-13 Providing for Conditions of Screens; and other Matters related thereto
RESOLUTION 2015-24	A Resolution Establishing Regulations for Excavation within Lake Greenwood.
RESOLUTION 2015-25	A Resolution Repealing Resolution 2004-17 and Providing for Certain Restrictive Covenants of a Subdivision or Neighborhood.



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
ORDINANCE NO: 2015-12

*Ordinance Amending Ordinance No 15-03
Regulating Activities within the Project Boundary of Lake Greenwood*

In accordance with requirements of the Federal Energy Regulatory Commission, in connection with the license granted to Greenwood County to operate the Buzzards Roost Hydroelectric Project ("Lake Greenwood"), pursuant to all laws of the State of South Carolina related thereto, and also in its capacity as the owner of all lands within the project boundary of Lake Greenwood, the following is ordained by the Greenwood County Council:

Section 1: Except as provided herein, this ordinance amends and supersedes Ordinance No 15-03 and all resolutions passed pursuant thereto.

Section 2: Any reference in this instrument to the singular shall include the plural and vice versa. Any reference to one gender shall include the others including the neuter.

Section 3: Declaration of Policy. Any use of Lake Greenwood is strictly by permission of Greenwood County. Nothing in this ordinance, or in any resolution implementing this ordinance, shall create any vested rights in any person or entity. All permissions granted by Greenwood County shall be subject to modification from time to time at the sole discretion of Greenwood County. Any ambiguity in a permission granted by Greenwood County shall be conclusively resolved by Greenwood County, and the interpretation by Greenwood County of such permissions shall be binding on all parties. In the event of conflicting permissions, the more restrictive shall control. The County shall retain all right, title and interest to the Lake Bed Property and all riparian and littoral rights to the water within the Lake, and no action taken pursuant to this Ordinance shall convey nor be interpreted as conveying, expressly or implicitly, any property right in the Lake Bed Property or the water within the Lake.

Section 4: Unlawful activities

- I. Except as specifically allowed by Greenwood County in a written land use agreement ("permit"), it shall be unlawful for any person or entity to:
 - a. Construct, install, repair, maintain or use any pier, dock, retaining wall, boat ramp, or other object or structure (herein "encroachment") affixed within the project boundary of Lake Greenwood.

- b. Access Lake Greenwood from any privately owned property if one or more encroachments, which are prohibited by this ordinance or by resolutions implementing this ordinance, are attached to such property.
 - c. Excavate, dredge or fill any area within the project boundary of Lake Greenwood.
 - d. Withdraw water from the project boundary of Lake Greenwood.
 - e. Discharge sewage into the project boundary of Lake Greenwood.
 - f. Disturb any habitat area within any Shoreline Protection Zone established by Greenwood County.
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- g. Use or occupy any portion of Lake Greenwood for any purpose.

Section 5: Land Use Agreements (Permits):

I. Encroachments

- a. No encroachment shall be constructed, repaired, replaced, maintained or used within the project boundary of Lake Greenwood unless the owner of the property to which the encroachment is attached (or is to be attached) has entered into a written land use agreement (“permit”) with Greenwood County specifically allowing that activity.
- b. The County Manager shall have the authority to revoke any permit if a permitted encroachment is determined to be in violation of any provision of this ordinance, or any resolution implementing this ordinance, including subsequent revisions thereto.
- c. The County Manager shall have the authority to require that a permit be amended if circumstances arise that, in his judgement, make such an amendment desirable to Greenwood County. If the holder of the permit refuses to enter into an amended permit, the County Manager shall revoke the existing permit.
- d. Unless sooner revoked or amended, a permit shall remain valid as long as the person or entity to whom a permit was issued is the record owner of the property and for sixty (60) days after ownership of the property changes. Within sixty (60) days after any transfer of ownership, the new owner shall be required to obtain a new permit from Greenwood County, and upon his failure to do so, any existing permits shall be considered revoked.
- e. When applying for a permit, an application shall submit the following information:

- i. The address of the property to which the proposed encroachment will be attached.
 - ii. The tax map number assigned to the property by the assessor in the county in which the property is located.
 - iii. A plat or sketch showing the shape of the property.
 - iv. A diagram showing the location and configuration of each proposed or existing encroachment.
 - v. A list of the materials which the applicant proposes to use or which has been used in the construction of each encroachment.
 - vi. Such additional information as Greenwood County may request.
- f. Before issuing a permit
 - i. Greenwood County may require that the applicant allow an on-site inspection of the property.
 - ii. Greenwood County shall require the applicant to provide documentation acceptable to Greenwood County of the current location of the 440 and 439 contour lines relative to the property.
- g. Greenwood County Council may alter the required contents of an application by resolution.

II. Maintenance in Project Boundary

- a. No maintenance of any encroachment shall be allowed within the project boundary of Lake Greenwood unless the owner of the property to which the encroachment is attached (or is to be attached) has entered into a written land use agreement (“permit”) with Greenwood County specifically allowing excavation activity around existing encroachments.
- b. The County Manager shall have the authority to revoke any permit at any time for any reason.
- c. The County Manager shall have the authority to require that a permit be amended if circumstances arise that, in his judgment, make such an amendment desirable to Greenwood County. If the holder of the permit refuses to enter into an amended permit, the County Manager shall revoke the existing permit.
- d. Unless sooner revoked or amended, a permit shall remain valid for one year, as long as the person or entity to whom a permit was issued is the record owner of

the property and for sixty (60) days after ownership of the property changes. Within sixty (60) days after any transfer of ownership, the new owner shall be required to obtain a new permit from Greenwood County, and upon his failure to do so, any existing permits shall be considered revoked.

- e. When applying for a permit, an applicant shall submit the following information:
 - i. The address of the property to which the proposed maintenance of encroachments by excavation will occur.
 - ii. The tax map number assigned to the property by the assessor in the county in which the property is located.
 - iii. A plat or sketch showing the shape of the property.
 - iv. A diagram showing the location and configuration of each proposed excavation area.
 - v. The proposed location for disposal of the excavated material.
 - vi. Such additional information as Greenwood County may request.
- f. Before issuing a permit
 - i. Greenwood County will require that the applicant allow an on-site inspection of the property.
 - ii. Greenwood County shall require the applicant to provide documentation acceptable to Greenwood County of the current location of the 440 and 439 contour lines relative to the property.
- g. Greenwood County Council may alter the required contents of an application by resolution.

Section 6: Permission granted by this ordinance

- I. Any person accessing Lake Greenwood from a public area adjoining the project boundary of Lake Greenwood, which has been designated by Greenwood County for general public use and access, shall be entitled to use and enjoy Lake Greenwood to the fullest extent allowed by state or federal law.
 - a. Any person claiming to have accessed Lake Greenwood from a public area designated for general public use and access shall have the burden of providing actual access from one of those areas.

- II. Any person accessing Lake Greenwood from privately owned property which adjoins the project boundary of Lake Greenwood, who does so with the permission of the owner of such private property, shall be entitled to use and enjoy Lake Greenwood to the fullest extent allowed by state or federal law, as long as all encroachments attached to such property comply with the provisions of this ordinance and any resolutions implementing the terms of this ordinance.
 - a. Any person claiming to have accessed Lake Greenwood from a privately owned property shall have the burden of proving actual access from a qualifying privately owned property.
- III. Any person or entity owning property which fronts on Lake Greenwood, that is used solely for residential purposes, may withdraw water from the project boundary to provide irrigation to the lawn, trees and plants located on such property so long as the property does not discharge unreasonable amounts of herbicide or fertilizer into the project boundary.

Section 7: Reaffirmation of prior resolutions

- I. The provisions of Resolution No 17-40 allowing restrictive covenants for a subdivision fronting on Lake Greenwood to be applied to that portion of Lake Greenwood which adjoins property within that subdivision, as the same may be amended by resolution of the Greenwood County Council from time to time, are incorporated by reference.
- II. The provision of Resolution No 05-04 restricting activities within Shoreline Protection Zones, as the same may be amended by resolution of the Greenwood County Council from time to time, are incorporated by reference as to encroachments which existed on the date maps entitled "Critical Habitat Inventory-Buzzards Roost Project dated November 2002" were prepared.

Section 8: Procedures for Granting Additional Permissions

- I. The County Council shall by resolution(s) establish the procedures, terms, conditions and fees, if any, for
 - a. Obtaining permission from Greenwood County to construct, install, repair, maintain or use encroachments within, excavate, dredge or fill any area within, withdraw water from the project boundary of Lake Greenwood or to disturb any habitat areas located within the Shoreline Protection Zones established by Greenwood County or to use Lake Greenwood in excess of the general permissions granted above, regardless of whether or not such activity occurred or existed prior to the adoption of this ordinance.
 - b. Maintaining and renewing such permissions from Greenwood County.

Section 9: Identification and Registration of Existing Activities and Uses

- I. With regard to encroachments existing prior to the date of this ordinance, the owner of every parcel to which an encroachment is attached, shall identify and register each item with Greenwood County by March 1, 2005. The registration and identification shall include:
 - a. The name and mailing address of each owner.
 - b. The address of the property to which the proposed encroachment will be attached.
 - c. The tax map number assigned to the property by the county assessor in which the property is located.
 - d. A plat or sketch showing the shape of the property.
 - e. A diagram showing the location and configuration of each existing encroachment.
 - f. A list of the materials used in the construction of the encroachment.
 - g. Such additional information as Greenwood County may request.
- II. The date for complying with this provision may be extended by resolution of the Greenwood County Council.
- III. Any encroachment not registered as of the date established by this ordinance, or as extended by the Greenwood County Council, shall be deemed abandoned by the owner thereof and shall become the sole and exclusive property of Greenwood County, and shall be subject to removal by Greenwood County without compensation to the owners thereof. In addition, it shall thereafter be unlawful for any person to use or occupy such item without the express written permission of Greenwood County.
- IV. If any person intentionally falsifies a registration required in this section, the County Manager shall have the authority to bar that person from receiving a permit for an encroachment for such period of time as he deems appropriate.

Section 10: Penalties, Civil Actions; Civil Fines

- I. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined up to the maximum amount which is within the jurisdiction of court hearing the case to impose.
 - a. In addition, the sentencing judge shall impose a civil fine for the benefit of Greenwood County in an amount not less than \$2,500 nor more than the maximum amount which is within the jurisdiction of magistrate courts in civil cases, no portion of which may be suspended without the consent of the

Greenwood County Manager, or his designee. If the sentencing judge does not impose the civil fine as set forth above, the provisions set forth in subparagraph b shall apply as if the criminal case had been a civil action concluded in favor of Greenwood County.

- b. The judgment awarding the civil fine may be enrolled in the various Offices of the Clerks of Court in the same manner as permitted by law for judgments issued in Magistrate Court generally, and his judgment may thereafter be enforced in the same manner provided by state law for the enforcement of judgments.

II. In addition to or as an alternative to criminal prosecution, the County Manager is authorized to prosecute civil actions in any court of competent jurisdiction to enforce compliance with the provisions of this ordinance and/or to recover damages for violations thereof.

- a. If a civil action brought as a result of an alleged violation of this ordinance is concluded in favor of Greenwood County, all permits for the property to which any encroachment violating this ordinance was attached (the "offending property") shall be revoked, and permits for existing or future encroachments shall be denied until the owner thereof pays a civil fine to Greenwood County in an amount to be determined by the County Manager.
- b. The County Manager shall file a notice in the public records in the county in which the offending property is located, to be indexed in the name of the owner of the offending property, to give notice to future purchasers thereof that the offending property is not eligible for permits for existing or future encroachments until the fine is paid.

III. Each day a violation exists or a prohibited activity occurs shall be a separate offense.

Section 11: All prior ordinances, regulations, and guidelines affecting Lake Greenwood shall remain in full force and effect unless and until superseded by this ordinance or by a resolution adopted by the County Council pursuant to the authority of this ordinance.

Section 12: If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this ordinance, the County Council hereby declaring that it would have passed this ordinance, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Section 13: This ordinance shall be effective upon adoption of third reading.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)

ENDORSEMENT OF CLERK

I, Ketekash Crump-Lukie, as Clerk to the Greenwood County Council, approved by the Greenwood County Council, hereby certify that the foregoing Ordinance was read at three public meetings of the Greenwood County Council on three separate days, the said days being **September 1, 2015**, **September 15, 2015**, and **October 6, 2015**, that the foregoing Ordinance was passed and adopted by a majority vote of the members of the Greenwood County Council present at the public meeting on **September 15, 2015**, and that, at all times relevant to the foregoing Ordinance, the Greenwood County Council complied with all applicable provisions of the Code of Laws of South Carolina, in particular the South Carolina Freedom of Information Act, and the Code of Ordinances of Greenwood County.


Ketekash Crump-Lukie

Greenwood, South Carolina
November 18, 2015



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2004-05

***Resolution Restricting Activities within Shoreline Protection Zones after
February 21, 2002.***

WHEREAS the Greenwood County Council created the following Shoreline Protection Zones by action taken in a public meeting on November 19, 2002:

- a. Environmental Protection Zone;
- b. Natural Areas Protection Zone;
- c. Impact Minimization Protection Zone; and
- d. Woody Debris Protection Zone.

WHEREAS Greenwood County Council had previously commissioned a series of aerial photographs of the lake and performed visual inspections of areas of the lake in order to document the existing state of the shoreline as of February 21, 2002, and

WHEREAS Greenwood County prepared maps entitled "Critical Habitat Inventory - Buzzards Roost Project" dated November -2002 designating which areas of the shoreline were located within the Shoreline Protection Zones, and

WHEREAS the County Council subsequently adopted Ordinance No 15-03, entitled "Ordinance Regulating Activities Within the Project Boundary of Lake Greenwood", which provided for the County Council to implement regulations by resolution,

NOW THEREFORE, pursuant to Ordinance No 15-03, the County Council hereby implements the following regulations to protect the areas of shoreline within the Shoreline Protection Zones:

Section 1: No construction, excavation or shoreline stabilization is allowed within any of the Shoreline Protection Zones as shown on the maps entitled "Critical Habitat Inventory - Buzzards Roost Project" dated November 2002, except as set forth in this resolution.

Section 2: Environmental Protection Zone. For every 200 feet of shoreline, one pier having a width of 4 feet may be permitted by Greenwood County as a docking point for nearby residential properties. The permits shall require that the users enter into a contract with Greenwood County to protect, establish, replace or enhance the vegetative boundary along their properties as a condition of maintaining the pier. In addition, the permit shall prohibit a pier from being located closer than 200 feet from any point of confluence.

Section 3: Natural Areas Protection Zone.

- a. Shoreline stabilization using rip-rap may be permitted on a case by case basis in areas where the adjacent property outside of the project boundary has a natural grade of 10% or more approaching the shoreline and has an erosional scarp with a height in excess of 3 feet.
- b. For every 200 feet of shoreline, one pier having a width of 4 feet may be permitted by Greenwood County as a docking point for nearby residential properties. The permits shall require that the users enter into a contract with Greenwood County to protect, establish, replace or enhance the vegetative boundary along their properties as a condition of maintaining the pier. In addition, the permit shall prohibit a pier from being located closer than 200 feet from any point of confluence.

Section 4: Impact Minimization Protection Zone.

- a. Piers and Docks: Piers and Docks may be permitted in accordance with residential encroachment regulations.
- b. Retaining Walls: Retaining walls may be permitted in accordance with residential encroachment regulations
- c. Boat Ramps: Each Impact Minimization Protection Zone shall be divided into increments of 200 linear feet beginning at the point farthest from the dam. One boat ramp may be permitted within each 200 foot increment. The permit shall require the applicant to share the ramp with every other property owner whose property fronts on the lake within that 200 foot increment. In determining the boundaries of each 200 foot increment, the point of beginning shall be the point at the end of the Impact Minimization Protection Zone farthest from the dam.

Section 5: Woody Debris Protection Zone. Construction and shoreline stabilization may be permitted so long as those portions of fallen trees having diameters greater than 10 inches which extend into the lake bed beyond the 439 contour line are not disturbed.

Section 6: Sections 2 through 5 shall become effective when the Shoreline Management Plan is approved by the Federal Energy Regulatory Commission.

Section 7: All prior resolutions adopted pursuant to this ordinance shall remain in full force and effect unless contradicted or repealed by this resolution.

DONE AND PASSED: January 20, 2004.

GREENWOOD COUNTY COUNCIL

Attest: _____
James N. Kier, County Manager

BY: _____
Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2004-17

***Resolution Establishing Procedures Allowing Restrictive Covenants
for a Subdivision to be applied to that portion of Lake Greenwood
which adjoins property within that Subdivision and to Provide for the
Enforcement thereof***

Pursuant to Ordinance No 15-03, entitled "Ordinance Regulating Activities Within the Project Boundary of Lake Greenwood", the Greenwood County Council hereby implements the following regulations:

Section I: Restrictive Covenants

- a. The governing body of the homeowners association for a subdivision or neighborhood located on Lake Greenwood, which has restrictive covenants which more strictly regulate encroachments into the project boundary of Lake Greenwood from lots that are subject to the restrictive covenants, may petition the County Council to adopt the more restrictive provisions as additional regulations affecting the lots within that subdivision or neighborhood.
- b. Enforcement of the more restrictive provisions shall be by civil action brought against the offending lot owners by either the governing body of the subdivision or neighborhood or by any aggrieved person owning property in the subdivision or neighborhood subject to the restrictive covenants.

Section 2: All prior resolutions adopted pursuant to this ordinance shall remain in full force and effect unless contradicted or repealed by this resolution.

DONE AND PASSED: June 1, 2004.

GREENWOOD COUNTY COUNCIL

Attest: _____

James N. Kier, County Manager

BY: _____

Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2005-24

***Resolution Implementing Regulations Enforcing the Provisions
Prohibiting the Discharge of Sewage into Lake Greenwood***

Pursuant to Ordinance No 18-04 entitled "Ordinance Amending Ordinance No 15-03 Regulating Activities Within the Project Boundary of Lake Greenwood", the County Council hereby implements the following regulations:

Section 1: Pursuant to Section No 4 of Ordinance No 18-04, the discharge of sewage into the project boundary of Lake Greenwood is prohibited.

Section 2: In order to enforce the prohibition against the discharge of sewage into the project boundary of Lake Greenwood, the County Manager, or his staff, shall have the authority to require the person(s) who own or have possession of a parcel of property fronting on Lake Greenwood to demonstrate that all plumbing facilities on the property feed into a sewage disposal system which, in the reasonable judgment of the County Manager, is adequate to prevent unacceptable levels of sewage effluent from entering the lake.

Section 3: In the event the person(s) who own or have possession of the property do not allow inspections which satisfy the County Manager, or if the inspections reveal that the plumbing facilities on the property do not feed into a sewage disposal system which, in the reasonable judgment of the County Manager, is adequate to prevent unacceptable levels of sewage effluent from discharging into the lake, the County Manager shall have the authority to take any one or more of the following enforcement actions:

- a. Deny permits for the construction new encroachments extending from that property into the project boundary of Lake Greenwood.
- b. Deny permits for existing encroachments extending from that property into the project boundary of Lake Greenwood, which do not yet have a valid permit.
- c. Revoke all existing permits for encroachments extending from that property into the project boundary of Lake Greenwood.
- d. Order that existing encroachments extending from that property into the project boundary of Lake Greenwood be removed.

- e. Prohibit all person(s) who own or are in possession of that property, and their guests, from entering the project boundary of Lake Greenwood from that property and from using any encroachments extending from that property into the project boundary of Lake Greenwood.
- f. Institute criminal proceedings against any and all persons who are or may be criminally responsible.
- g. Institute civil proceedings to seek injunctions and monetary damages against the responsible persons.

Section 4: In the event action authorized by subparagraphs (b) through (d) is taken, any permit for encroachments thereafter issued for that property shall be treated as permitting new encroachments, and the encroachments must comply (or be brought into compliance) with the rules and regulations in effect for new encroachments at the time the permit is issued.

DONE AND PASSED: December 20, 2005

GREENWOOD COUNTY COUNCIL

Attest: _____ BY: _____
James N. Kier, County Manager Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2006-01

*Resolution Establishing Regulations for Mechanical Devices
or Automated Machinery Operated within the
Project Boundary of Lake Greenwood*

Pursuant to Ordinance No 18-04 entitled "Ordinance Amending Ordinance No 15-03 Regulating Activities Within the Project Boundary of Lake Greenwood", the Greenwood County Council hereby implements the following regulations:

Section 1: No mechanical devices or automated machinery shall be operated within the project boundary of Lake Greenwood except for the following:

- a. Any watercraft, designed to be operated above the surface of the water, which bears a current registration with the South Carolina Department of Natural Resources.
- b. Motor vehicles licensed by the South Carolina Department of Motor Vehicles which are launching watercraft from or trailering watercraft onto a trailer using a boat ramp which has a valid use agreement (permit) with Greenwood County.
- c. Machinery approved by the County Manager which is used by a contractor who has been granted prior authorization by Greenwood County to install encroachments within the Project Boundary of Lake Greenwood.

Section 2: Violation of the terms of Section 1 of this resolution shall be a violation of Ordinance No 18-04, and any person committing such a violation shall be subject to the civil and/or criminal penalties provided in Section 10 of Ordinance No 18-04.

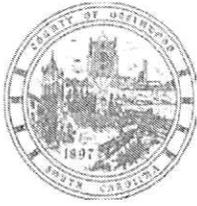
Section 3: Any person who allows or authorizes any mechanical devise or automated machinery to enter the project boundary of Lake Greenwood from his property, which is operated in violation of Section 1 hereof, shall also be subject to the civil and/or criminal penalties provided in Section 10 of Ordinance No 18-04.

DONE AND PASSED: January 17, 2006.

GREENWOOD COUNTY COUNCIL

Attest: _____
James N. Kier, County Manager

BY: _____
Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2007-13

***Resolution Establishing Amended Regulations for
Encroachments Constructed on Lake Greenwood for
Single Family Residential Dwellings***

Pursuant to Ordinance No 2004-18 entitled "Ordinance Amending Ordinance No 15-03 Regulating Activities Within the Project Boundary of Lake Greenwood", the County Council hereby implements the following regulations:

Section 1: Individual Docks and Joint Docks; Boat Slips; Boat Lifts.

- a. The permissions given by this resolution are limited to encroachments which are intended to serve single family type dwellings as set forth in Article 417 of the Order of the Federal Energy Regulatory Commission issued December 18, 1995 renewing Greenwood County's federal license to impound the waters of Lake Greenwood. The permissions given by this resolution shall not apply to multi-family developments, property owned by a homeowners association for the benefit of property owners in a subdivision, community marinas or commercial enterprises of any type.
- b. General Definitions: The following terms shall have the meanings indicated when used in this Section.

Boat Lift: A device attached to a permitted dock to vertically lift watercraft out of the water for storage and lower it into the water for use. Floating "drive-on" lifts are also included in this definition.

Boat Slip: A boat slip is a configuration of floored surfaces, each of which is not more than six feet in width, which provides mooring points on two or three sides for watercraft.

Dock: A structure serving one parcel of land, extending from that parcel of land into the lake bed, whose components are either fixed, floating or a combination of both. As used in this section, a dock does not include any structure which is used for any commercial or multi-family purposes.

Finger Pier: A finger pier is a floored surface not more than six feet in width which extends perpendicular from the primary walkway or from any portion of a pier head or boat slip. The presence of a finger pier may be construed, in the reasonable judgment of the County Manager, as creating a boat slip.

Joint Dock: A joint dock is a dock serving two adjoining parcels of land where both parcels also adjoin the lake bed. A joint dock shall not be permitted unless a joint use agreement, in form satisfactory to the County, is recorded in the Office of the Clerk of Court for the county in which the two parcels of land are located and whose terms are binding on all affected property owners, their heirs (or successors) and assigns.

Pier: A pier is the same as a dock.

Pier Head: The floored portion of a dock generally located at the end of a walkway which is designed to be occupied by people.

- c. Dock Space: The dock space for each lot shall be determined by extending the side boundary lines of the lot imaginarily into the lake bed, along the same bearing at which each line approaches the lake bed, until the lines intersect with each other or until a line intersects with an imaginarily extended boundary line of another lot located on the lake.
- i. Every individual dock shall be situated so that no portion of the structure is closer than 15 feet to the imaginarily extended boundary lines comprising the dock space for the lot to which it is attached.
 - ii. Every joint dock shall be situated so that no portion of the structure is closer than 15 feet to the imaginarily extended boundary lines comprising the combined dock spaces for the lots to which it is attached. The common property line shall be disregarded for joint docks.
 - iii. In cases where the strict application of this limitation would produce a grossly unfair result, the County Manager may authorize structures to be placed closer than 15 feet from the imaginary lines.
 - iv. A dock may be allowed to cross into the dock space of another lot if the affected property owner agrees in writing.
 - v. No portion of a dock which crosses in front of a Shoreline Protection Zone, in which docks are restricted, may be located closer than 40 feet from the shore line at full summer elevation. For purposes of this measurement, an imaginary line shall be projected from the beginning point of the Shoreline Protection Zone perpendicular to the shore. In addition, no portion of such a dock may extend parallel to the shore, in front of a Shoreline Protection Zone, for more than 40 feet in length.
- d. Configuration: Subject to the other provisions of this section,
- i. A dock may be configured as a walkway only or as a walkway which leads to a pier head and/or to a boat slip.

- ii. In addition, a dock may be configured with up to two finger piers, and a joint dock may be configured with up to four finger piers.
 - iii. In addition, up to two boat lifts and up to two personal watercraft lifts may be attached to a dock, and up to four boat lifts and up to four personal watercraft lifts may be attached to a joint dock.
 - iv. A freestanding lift, a lift attached to the shore or a lift attached to a retaining wall shall require a separate permit. No such lift may extend beyond the 436 contour line (water depth of 3 feet at normal summer pool) nor may it extend more than 25 feet from the 439 contour line.
- e. Proximity to other Docks:
- i. No dock shall constructed within 20 feet of an existing dock.
 - ii. If more than one dock is located on the same parcel of property, the points where the docks attach to the land may not be closer than 100 feet at their closest points.
 - (1) The County Manager may allow a second dock to be placed on a parcel of property, without regard to the 100 foot limit, if the floored surface of the second dock is less than 400 square feet and no portion of the second dock extends more than 40 feet from the 439 contour. However, this provision shall not apply to a single parcel of property containing more than one dwelling.
 - (2) The County Manager may allow the second dock to be placed within 20 feet of the primary dock, in which case it shall be treated as a boat slip.
- f. Length: Every dock shall be limited in length to the most restrictive of the following:
- i. No portion of a dock may extend more than 110 feet from the 439 contour line.
 - ii. No portion of a dock may extend more than one-third of the distance between the parcel of land to which it is attached and the opposite shore.
 - iii. No portion of a dock may extend so far into the lake as to constitute a navigational or safety hazard to watercraft.
- g. Height: The tops of the treadways of fixed docks shall be between the 440.5 and 442 contour lines. The tops of the treadways of floating docks shall be no less than six inches above the water and no more than two feet above the water.

- h. Total Size: The floored space of every dock shall be limited in size to a maximum of 1200 square feet. The floored space of every joint dock shall be limited in size to a maximum of 1500 square feet. The floored surfaces of walkways, boat slips, pier heads and finger piers are to be considered when calculating the square footage of the dock.
- i. Roofs: A roof may be constructed over any portion of the dock, including a pier head or a boat slip, subject to the following restrictions:
 - i. The overhang of the roof may not extend more than 2 feet beyond the outer edge of the floored surfaces of the dock. If any portion of a slip does not have a floored surface, the overhand of the roof may not extend more than 2 feet beyond the posts supporting the roof.
 - ii. The highest part of the roof may not extend above an elevation of 453 feet and the lowest part of the roof may not extend below an elevation of 448.
 - iii. The roof may not be constructed or used as an upper deck nor may it be occupied by any person (other than a person performing maintenance) or used for the storage of any items.
 - (1) The support structures holding the roof must be installed far enough apart so as to not to unreasonably obstruct visibility.

Components and Construction: Docks shall be constructed out of materials approved by Greenwood County.

- i. Any floating components must be securely fastened to a fixed structure.
 - ii. The owner of a dock is responsible for insuring that construction is safe and meets all applicable building codes and that the dock is suitable for the intended use, including full consideration of occupancies, loads and wave and wake actions.
- k. Safety Markings: The owner of a dock shall be responsible for installing reflective safety markings and/or low intensity illuminating lights to insure that the approaching watercraft are alerted to the presence of the dock.
- 1. Prohibitions:
 - i. The following are prohibited on all docks.
 - (1) Enclosed structures of any type, including screens.
 - (2) Enclosed handrails.
 - (3) Storage lockers over three feet high.
 - (4) Plumbing facilities including sinks, toilets and showers.
 - (5) Second level decks

- (6) Living quarters
 - (7) Side walls
 - (8) A dock configured to enclose an area of water on four sides.
- ii. No attempt shall be made by the owner of any dock to prevent the use by the public of all navigable waters adjacent to the dock.
- m. Existing, non-conforming docks:
 - i. Unless and until the County Council directs otherwise, upon application by the owner of any dock shown on aerial photos of the lake which were taken in February 2002, the County Manager may issue a special permit allowing the non-conforming dock to remain in the footprint it occupied as shown on those photos as long as it is maintained in a good state of repair, as long as it does not constitute a navigational or safety hazard to watercraft, as long as it does not extend into the dock space for another lot so as to unreasonably prevent that other lot from having or accessing a dock, and as long as any portion of the dock which violates any provision of sub-section (k)(i) has been removed.
 - ii. Unless and until the County Council directs otherwise, the County Manager may allow any existing dock, which was constructed in accordance with a valid permit, and which met the requirements of Resolution 23-04 when it was constructed, to remain in its existing footprint as long as it is maintained in a good state of repair.

Section 2: Ramps. Permits issued for ramps may be issued in accordance with the provisions set forth in this section.

- a. Location: Every ramp shall be situated so that no portion of the structure is closer than 5 feet from the boundary lines of adjoining parcels projected along an imaginary line into the lake bed. However, owners of adjoining properties may jointly submit an application for permit to install a ramp which will be co-owned and shared by the occupants of both properties. In that event, the five foot requirement will not apply with regard to the common property line.
- b. Length: The end of the ramp shall not extend beyond the 431 contour line (water depth of 8 feet at normal summer pool).
- c. Width: The width of the ramp shall not exceed 12 feet.
- d. Components: Ramps must be constructed of reinforced concrete or other materials approved by Greenwood County. If the ramp is made of concrete, that portion of the surface of the ramp lying below the 439.5 contour line shall be finished with a grooved "raked" finish.

- e. Slope: The slope of a ramp shall conform as closely as possible to the slope of the lake bed.
- f. Prohibitions:
 - i. Each parcel of property shall be limited to one ramp.
 - ii. The ramp shall be installed without unnecessary disturbance of the lake bed.
 - (1) The permit may allow small amounts of excavation in the area directly under the location of the ramp in order to level the surface of the lake bed where the ramp will be installed.
 - (2) The County Manager shall direct whether the loose dirt resulting from the excavation under the ramp shall be removed from the lake bed or whether it shall be spread inside the lake bed.

Section 3: Retaining Walls: Permits for retaining walls may be issued in accordance with the provisions set forth in this section.

- a. Retaining walls may be installed up to one foot from any shoreline which does not currently have a retaining wall, but no portion of the retaining wall may be installed below the 439 contour line (normal summer pool) except in places where there is less than one horizontal linear foot (measured parallel to the surface of the lake) between the 440 and 439 contour lines.
 - i. The County Manager may give special permission for a retaining wall, which existed prior to February 2002, to be taken out and replaced with a new wall in the same location as the old wall, even if the location was below the 439 contour line.
 - ii. In situations in which the County Manager reasonably believes that removing an existing retaining wall may cause significant environmental harm to the lake, the County Manager may give special permission for the new wall to be placed immediately adjacent to the old wall rather than requiring the old wall to be taken out.
- b. Height: Retaining walls may extend 2 feet above (1) the elevation of the shoreline prior to the construction of the wall or (2) the 439 contour line, whichever is higher.
- c. Limited Fill: An applicant may backfill behind the retaining wall up to one foot from the existing shoreline and up the permitted height of the retaining wall. Measures shall be taken to prevent fill from washing over the top of the wall into the lake.

- d. The County Manager may require that rip-rap shall be installed at the base of the retaining wall to prevent the wall from being undermined by wave action.
- e. The holder of the permit shall notify Greenwood County (1) before the foundation is installed and (2) after the wall is completed to give Greenwood County the opportunity to inspect those stages of construction.

Section 4: Persons authorized to construct encroachments.

- a. Any individual to whom a permit has been issued may construct the encroachment(s) authorized by the permit.
- b. Third parties hired by an owner to whom a permit has been issued may only perform work within the project boundary of Lake Greenwood if they have been granted prior authorization by Greenwood County.

Section 5: Miscellaneous Provisions

- a. All construction debris shall be promptly removed the lake bed.
- b. Burning construction debris or any other material within the lake bed is prohibited.
- c. The County Manager may give verbal permission for an owner of property adjoining Lake Greenwood to remove noxious vegetation from areas of the lake unless such areas are designated as being in an Environmental Protection Zone or a Natural Areas Protection Zone.
- d. The County Manager may give verbal permission for an owner of property adjoining Lake Greenwood to pressure wash and/or stain or paint an encroachment as part of maintaining the encroachment in a good state of repair.

Section 6: This resolution supersedes Resolution 23-04.

ADOPTED AND PASSED: September 4, 2007.

GREENWOOD COUNTY COUNCIL

Attest: = _____
Vic Carpenter, County Manager

BY: _____
Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2007-19

***Resolution Establishing Regulations
for Community Docks on Lake Greenwood***

Pursuant to Ordinance No 2004-18 entitled "Ordinance Amending Ordinance No 15-03 Regulating Activities Within the Project Boundary of Lake Greenwood", the County Council hereby implements the following regulations:

Section 1: Findings

- a. The Greenwood County Council recognizes that encouraging owners of Lake Front Properties to work together to create community docks rather than having individual docks projecting from each of their properties would be beneficial to Lake Greenwood.
- b. The Greenwood County Council also recognizes that Lake Greenwood is in danger of becoming overcrowded; that there are numerous Lake Front Properties which have not yet been developed; and that owners of property which do not front on the lake who nevertheless desire to have access to the lake for their properties. In order to minimize the effects of overcrowding, while preserving reasonable access from Lake Front Properties, the Greenwood County Council declares that community docks may only serve Lake Front Properties and that all properties which are not Lake Front Properties must be served by a marina.

Section 2: Community docks

- a. General Definitions: The following terms shall have the meanings indicated when used in this Section.

Boat Lift: A device attached to a permitted dock to vertically lift watercraft out of the water for storage and lower it into the water for use. Floating "drive-on" lifts are also included in this definition.

Boat Slip: A boat slip is a configuration of floored surfaces, each of which is not more than six feet in width, which provides mooring points on two or three sides for watercraft..

Community dock: A dock jointly serving the owners or occupants of three or more parcels of Lake Front Property.

Dock: A structure extending from a parcel of Lake Front Property into the lake bed, whose components are either fixed, floating or a combination of both. As used in this resolution, a dock does not include any structure which is used for any commercial purposes.

Finger Pier: A finger pier is a floored surface not more than six feet in width which extends perpendicular from the primary walkway or from any portion of a pier head or boat slip. The presence of a finger pier may be construed, in the reasonable judgment of the County Manager, as creating a boat slip.

Lake Front Property: A single family residential lot, adjoining Lake Greenwood, which has a minimum width of forty feet along the lake, to be measured along a straight line from the points where each of the side property lines join the lake bed. Where a parcel of property is commonly owned or used by the owners of units within a residential townhouse or condominium development, or by a subdivision property owners association, and the parcel has a minimum width of fifty feet along the lake (measured as set forth above), each unit in the development which is physically located within 400 feet of the lake may be treated as a parcel of Lake Front Property; provided, however that no unit may be treated as a parcel of Lake Front Property if any portion of that unit is located more than 50 feet above Elevation 440.

Pier: A pier is the same as a dock.

Pier Head: The floored portion of a dock generally located at the end of a walkway which is designed to be occupied by people.

- b. Use: The use of a community dock is limited to the owners and occupants of the Lake Front Properties which the community dock was permitted to serve.
- c. A community dock shall not be permitted unless a use agreement, in form satisfactory to the County, is recorded in the Offices of the Clerks of Court for the counties in which the Lake Front Properties being served by the community dock are located and whose terms are binding on all affected property owners, and their heirs (or successors) and assigns.
 - i. Once a community dock is permitted, the Lake Front Properties being served by that community dock shall thereafter be ineligible for individual docks.
- d. Dock Space: The dock space for each community dock shall be determined by extending the side boundary lines of the property to which the community dock is to be attached imaginarily into the lake bed, along the same bearing at which each line approaches the lake bed, until the lines intersect with each other or until a line intersects with an imaginarily extended boundary line of another lot located on the lake.

- i. Every community dock shall be situated so that no portion of the structure is closer than 30 feet to the imaginarily extended boundary lines comprising the dock space for that community dock.
 - (1) In cases where the strict application of this limitation would produce a grossly unfair result, the County Manager may authorize structures to be placed closer than 30 feet from the imaginary lines.
 - (2) A community dock may be allowed to cross outside of its dock space if the affected property owner(s) agree(s) in writing.
 - ii. No portion of a community dock which crosses in front of a Shoreline Protection Zone, in which docks are restricted, may be located closer than 40 feet from the shore line at full summer elevation. For purposes of this measurement, an imaginary line shall be projected from the beginning point of the Shoreline Protection Zone perpendicular to the shore. In addition, no portion of such a community dock may extend parallel to the shore, in front of a Shoreline Protection Zone, for more than 40 feet in length.
- e. Configuration: Subject to the other provisions of this section,
- i. A community dock may be configured as a walkway only or as a walkway which leads to a pier head and/or to boat slips.
 - ii. The number of slips in a community dock shall be limited to one slip for each parcel of Lake Front Property served by the community dock; provided, however, that in no event may the number of slips in a community dock exceed a number determined by dividing the width of the parcel to which the community dock is to be attached by 10.
 - iii. Boat lifts may be installed inside individual boat slips.
- f. Proximity to other Docks:
- i. No portion of a community dock shall constructed within 40 feet of any existing dock or so close that adequate maneuvering room is not provided for users of the community dock.
 - ii. If more than one community dock is located on the same parcel of property, the points where the community docks attach to the land may not be closer than 100 feet at their closest points.
- g. Length: Every community dock shall be limited in length to the most restrictive of the following:
- i. No portion may extend more than 220 feet from the 439 contour line.

- ii. No portion may extend more than one-fourth of the distance between the parcel of land to which it is attached and the opposite shore.
- iii. No portion may extend so far into the lake as to constitute a navigational or safety hazard to watercraft.
- h. Height: The tops of the treadways of fixed docks shall be between the 440.5 and 442 contour lines. The tops of the treadways of floating docks shall be no less than six inches above the water and no more than two feet above the water.
- i. Total Size: The floored space of the pier head of a community dock shall be limited in size to a maximum of 1,000 square feet.

Roofs: Roofs are not allowed over any boat slip in a community dock, however, a roofs may be constructed over the pier head of a community dock, subject to the following restrictions:

- i. The overhang of the roof may not extend more than 2 feet beyond the outer edge of the floored surfaces of the pier head.
- ii. The highest part of the roof may not extend above an elevation of 453 feet and the lowest part of the roof may not extend below an elevation of 448.
- iii. The roof may not be constructed or used as an upper deck nor may it be occupied by any person (other than a person performing maintenance) or used for the storage of any items.
 - (1) The support structures holding the roof must be installed far enough apart so as to not to unreasonably obstruct visibility.
- k. Components and Construction: Docks shall be constructed out of materials approved by Greenwood County.
 - i. Any floating components must be securely fastened to a fixed structure.
 - ii. The owner of a dock is responsible for insuring that construction is safe and meets all applicable building codes and that the dock is suitable for the intended use, including full consideration of occupancies, loads and wave and wake actions.
- l. Safety Markings: The owner of a dock shall be responsible for installing reflective safety markings and/or low intensity illuminating lights to insure that the approaching watercraft are alerted to the presence of the dock.

m. Prohibitions:

- i. The following are prohibited on all community docks.
 - (1) Enclosed structures of any type, including screens.
 - (2) Enclosed handrails.
 - (3) Storage lockers over three feet high.
 - (4) Plumbing facilities including sinks, toilets and showers.
 - (5) Second level decks
 - (6) Living quarters
 - (7) Side walls
 - (8) A configuration which enclose an area of water on four sides.
- ii. No attempt shall be made by the owner of any dock to prevent the use by the public of all navigable waters adjacent to the community dock.

n. Existing, non-conforming docks; Outstanding permits:

- i. Unless and until the County Council directs otherwise, the County Manager may allow any community dock which exists on the date this resolution was adopted, and which was constructed in accordance with a valid permit, but which does not conform to the physical configurations of this resolution, to remain in its existing footprint as long as it is maintained in a good state of repair.
- ii. Unless and until County Council directs otherwise, the County Manager may allow any existing dock which is owned or maintained by a property owners association, and which provides slips to owners of residential lots located in the development which do not qualify as Lake Front Properties, to continue to allow those non-qualifying owners (or other non-qualifying owners of lots in the development) to use the same number of slips in the dock.
- iii. The County Manager may require the owners of existing docks to provide such information as the County Manager deems necessary to document the uses of the docks as they existed when this resolution was adopted and to continue to provide information regarding such uses from time to time thereafter.
- iv. Any property owners association holding a valid permit to construct a dock to serve owners of residential lots in the development which do not qualify as Lake Front Properties shall nevertheless be allowed to construct the dock in accordance with the terms of the permit so long as construction is completed by March 1, 2009. Any dock so constructed shall be treated as if it existed prior to the date this resolution was adopted.

- v. Notwithstanding any other provision of this subsection, any existing dock which is not registered as a community dock in accordance with Ordinance No 2004-18 by April 1, 2008 shall not be eligible for the special treatment under this subsection after that date.

Section 3: Persons authorized to construct encroachments.

- a. A community dock may be constructed by one or more of the owners of the Lake Front Properties being served by the community dock.
- b. Third parties hired by the owners of the Lake Front Properties being served by the community dock may only perform work within the project boundary of Lake Greenwood if they have been granted prior authorization by Greenwood County.

Section 4: Miscellaneous Provisions

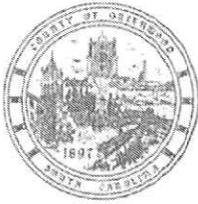
- a. All construction debris shall be promptly removed the lake bed.
- b. Burning construction debris or any other material within the lake bed is prohibited.
- c. The County Manager may give verbal permission for noxious vegetation to be removed from areas around community docks unless such areas are designated as being in an Environmental Protection Zone or a Natural Areas Protection Zone.
- d. The County Manager may give verbal permission to pressure wash and/or stain or paint a community dock as part of maintaining the dock in a good state of repair.
- e. When calculating the width of a parcel of property for purposes of this resolution, the County Manager's determination shall be final.

Section 5: As to all matters not addressed herein, all other resolutions adopted pursuant to Ordinance No 2004-18 shall remain in full force and effect.

ADOPTED AND PASSED: November 20, 2007.

GREENWOOD COUNTY COUNCIL

Attest: _____ BY: _____
Victor Carpenter, County Manager Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2007-23

***Resolution Establishing Regulations
for Marinas on Lake Greenwood***

Pursuant to Ordinance No 2004-18 entitled "Ordinance Amending Ordinance No 15-03 Regulating Activities Within the Project Boundary of Lake Greenwood", the County Council hereby implements the following regulations:

Section 1: Findings

- a. The Greenwood County Council recognizes that marinas serve the important purposes (1) of providing persons who do not own lake front properties with the opportunity to have a boat on Lake Greenwood, (2) of providing access points for patrons of commercial or retail establishments fronting on Lake Greenwood to access their establishments; and (3) of providing places where boaters on Lake Greenwood can buy gas, fishing supplies, and other necessities.
- b. The Greenwood County Council also recognizes that the number, size and proximity of marinas to various lake uses must be regulated in order to preserve a proper balance on Lake Greenwood.
- c. The Greenwood County Council also recognizes that marinas have a greater impact on the management of the lake than residential type uses and that it would be appropriate to impose annual slip fees on marinas to offset the additional costs. Because the impact increases exponentially as marinas grow larger, the Greenwood County Council imposes the following fee schedule on slips at marinas, specifically providing for a graduated increase in the per slip fee for larger marinas:

i	1-10 slips	\$50.00 per slip	\$50 to \$500 annually
i	11-25 slips	\$100.00 per slip	\$1,100 to \$2,500 annually
i	26-50 slips	\$150.00 per slip	\$3,900 to \$7,500 annually
iv	50-100 slips	\$200.00 per slip	\$10,000 to \$20,000 annually
v	101 -150 slips	\$250.00 per slip	\$25,250 to \$37,500 annually

Section 2: Marinas

- a. General Definitions: The following terms shall have the meanings indicated when used in this Section.

Boat Lift: A device attached to a permitted dock to vertically lift watercraft out of the water for storage and lower it into the water for use. Floating "drive-on" lifts are also included in this definition.

Boat Slip: A boat slip is a configuration of floored surfaces, each of which is not more than six feet in width, which provides mooring points on two or three sides for watercraft..

Marina: Any dock (or a combination of docks) permitted by Greenwood County which does not qualify as an Individual Dock, a Joint Dock or a Community Dock; provided, however that uses which are allowed on Individual Docks, Joint Docks and Community Docks are also allowed at a marina.

Dock: A structure, extending into the lake bed from a parcel of property which adjoins Lake Greenwood, whose components are either fixed, floating or a combination of both.

Finger Pier: A finger pier is a floored surface not more than six feet in width which extends perpendicular from the primary walkway or from any portion of a pier head or boat slip. The presence of a finger pier may be construed, in the reasonable judgment of the County Manager, as creating a boat slip.

Pier: A pier is the same as a dock.

Pier Head: The floored portion of a dock generally located at the end of a walkway which is designed to be occupied by people.

- b. Dock Space: The dock space for each marina shall be determined by extending the side boundary lines of the property to which the marina is to be attached imaginarily into the lake bed, along the same bearing at which each line approaches the lake bed, until the lines intersect with each other or until a line intersects with an imaginarily extended boundary line of another lot located on the lake.
- i. Notwithstanding any other provision of this resolution to the contrary, no marina shall be allowed within a one-half mile radius of another marina which is located on the same side of the lake; provided, however, that any marina which is located within a one-quarter mile radius of a vehicular bridge crossings (excluding railroad crossings) is not required to be one-half of a mile from a marina located within a one-quarter mile radius of the other side of the same bridge.
 - ii. Every marina shall be situated so that no portion of the structure is closer than 30 feet to the imaginarily extended boundary lines comprising the dock space for that marina.

- (1) In cases where the strict application of this limitation would produce a grossly unfair result, the County Manager may authorize structures to be placed closer than 30 feet from the imaginary lines.
 - (2) A marina may be allowed to cross outside of its dock space if the affected property owner(s) agree(s) in writing.
 - iii. No portion of a marina which crosses in front of a Shoreline Protection Zone, in which docks are restricted, may be located closer than 40 feet from the shore line at full summer elevation. For purposes of this measurement, an imaginary line shall be projected from the beginning point of the Shoreline Protection Zone perpendicular to the shore. In addition, no portion of such a marina may extend parallel to the shore, in front of a Shoreline Protection Zone, for more than 40 feet in length.
- c. Configuration: Subject to the other provisions of this section,
 - i. A marina may be configured as a walkway only or as a walkway which leads to a pier head and/or to boat slips.
 - ii. The number of slips in a marina shall be limited to a number determined by dividing the width of the parcel to which the marina is to be attached by 10. The width of the parcel is to be measured along a straight line from the points where each of the side property lines join the lake bed.
 - (1) For marinas located within a one-quarter mile radius of vehicular bridge crossings, the number shall be determined by dividing the width by 5.
 - (2) On parcels of property having a width of 500 feet or more along the lake, this limit shall not apply.
 - iii. Boat lifts may be installed inside individual boat slips.
- d. Proximity to other Docks:
 - i. No portion of a marina shall constructed within 40 feet of any existing dock or so close that adequate maneuvering room is not provided for users of the marina.
- e. Length: Every marina shall be limited in length to the most restrictive of the following:
 - i. No portion may extend more than 220 feet from the 439 contour line.

- ii. No portion may extend more than one-fourth of the distance between the parcel of land to which it is attached and the opposite shore.
- iii. No portion may extend so far into the lake as to constitute a navigational or safety hazard to watercraft.
- f. Height: The tops of the treadways of fixed docks shall be between the 440.5 and 442 contour lines. The tops of the treadways of floating docks shall be no less than six inches above the water and no more than two feet above the water.
- g. Total Size: The floored space of the pier head of a marina shall be limited in size to a maximum of 1,000 square feet.
- h. Roofs: Roofs are not allowed over any boat slip in a marina, however, a roof may be constructed over the pier head of a marina, subject to the following restrictions:
 - i. The overhang of the roof may not extend more than 2 feet beyond the outer edge of the floored surfaces of the pier head.
 - ii. The highest part of the roof may not extend above an elevation of 453 feet and the lowest part of the roof may not extend below an elevation of 448.
 - iii. The roof may not be constructed or used as an upper deck nor may it be occupied by any person (other than a person performing maintenance) or used for the storage of any items.
 - (1) The support structures holding the roof must be installed far enough apart so as to not to unreasonably obstruct visibility.
- i. Components and Construction: Docks shall be constructed out of materials approved by Greenwood County.
 - i. Any floating components must be securely fastened to a fixed structure.
 - ii. The owner of a dock is responsible for insuring that construction is safe and meets all applicable building codes and that the dock is suitable for the intended use, including full consideration of occupancies, loads and wave and wake actions.

Safety Markings: The owner of a dock shall be responsible for installing reflective safety markings and/or low intensity illuminating lights to insure that the approaching watercraft are alerted to the presence of the dock.
- k. Prohibitions:
 - i. The following are prohibited on all marinas.

- (1) Enclosed structures of any type, including screens.
- (2) Enclosed handrails.
- (3) Storage lockers over three feet high.
- (4) Plumbing facilities including sinks, toilets and showers.
- (5) Second level decks
- (6) Living quarters
- (7) Side walls
- (8) A configuration which enclose an area of water on four sides.

ii. No attempt shall be made by the owner of any dock to prevent the use by the public of all navigable waters adjacent to the marina.

1. Existing, non-conforming marinas; Outstanding permits:

- i. Unless and until the County Council directs otherwise, the County Manager may allow any marina which exists on the date this resolution was adopted, and which was constructed in accordance with a valid permit, but which does not conform to the physical configurations of this resolution, to remain in its existing footprint as long as it is maintained in a good state of repair.
- ii. The County Manager may require the owners of existing marinas to provide such information as the County Manager deems necessary to document the uses of the marinas as they existed when this resolution was adopted and to continue to provide information regarding such uses from time to time thereafter.
- iii. Notwithstanding any other provision of this subsection, any existing marina which is not registered as a marina in accordance with Ordinance No 200418 by April 1, 2008 shall not be eligible for the special treatment under this subsection after that date.

Section 3: Persons authorized to construct encroachments.

- a. A marina may be constructed by one or more of the owners of the property to which the marina will be attached.
- b. Third parties hired by the owners of the property to which the marina will be attached may only perform work within the project boundary of Lake Greenwood if they have been granted prior authorization by Greenwood County.

Section 4: Miscellaneous Provisions

- a. All construction debris shall be promptly removed the lake bed.

- b. Burning construction debris or any other material within the lake bed is prohibited.
- c. The County Manager may give verbal permission for noxious vegetation to be removed from areas around marinas unless such areas are designated as being in an Environmental Protection Zone or a Natural Areas Protection Zone.
- d. The County Manager may give verbal permission to pressure wash and/or stain or paint a marina as part of maintaining the marina in a good state of repair.
- e. When calculating the width of a parcel of property for purposes of this resolution, the County Manager's determination shall be final.

Section 5: As to all matters not addressed herein, all other resolutions adopted pursuant to Ordinance No 2004-18 shall remain in full force and effect.

ADOPTED AND PASSED: November 20, 2007.

GREENWOOD COUNTY COUNCIL

Attest: _____
Victor Carpenter, County Manager

BY: _____
Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2009-19

A Resolution Amending the Definition of Commercial Marinas in Resolution 2007-23 to Include Piers Serving Campgrounds and Providing for the Fees to be Charged to Commercial Marinas Already in Existence

THE FOLLOWING IS RESOLVED BY THE GREENWOOD COUNTY COUNCIL:

Section 1: Resolution No 2007-23 is amended to provide that any permitted or registered configurations of piers serving campgrounds on the date of this resolution shall be treated as existing Commercial Marina.

Section 2: Fees for Commercial Marinas existing as of the date of this resolution, pursuant to a valid permit or registration, is established at the rate of \$50.00 per slip. Fees shall be due and payable for the 2010 calendar year by no later than July 31, 2010.

- a. If additional slips are added to an existing marina, the marina shall thereafter pay the fees on all slips that a new marina would be charged.
- b. The re-configuration of the slips in an existing marina without changing the total number of slips does not cause the marina to lose its status as an existing marina.

Section 3: Fees imposed upon commercial marinas for the 2008 and 2009 calendar year are hereby rescinded.

ADOPTED AND PASSED: November 3, 2009.

GREENWOOD COUNTY COUNCIL

Attest: _____
Victor Carpenter, County Manager

BY : _____
Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2009-21

***A Resolution Extending the Time for the Construction of
Certain Community Docks under Resolution 2007-19***

THE FOLLOWING IS RESOLVED BY THE GREENWOOD COUNTY COUNCIL:

Section 1: Section 2(n)(iv) of Resolution No 2007-19 is further amended to read as follows:

"iv Any property owners association holding a valid permit to construct a dock to serve owners of residential lots in the development which do not qualify as Lake Front Properties shall nevertheless be allowed to construct the dock in accordance with the terms of the permit so long as construction is completed by March 1, 2011. Any dock so constructed shall be treated as if it existed prior to the date this resolution was adopted."

ADOPTED AND PASSED: November 3, 2009.

GREENWOOD COUNTY COUNCIL

Attest: _____
Victor Carpenter, County Manager

Robbie Templeton, Chairman



GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
RESOLUTION NO: 2011-09

A Resolution Establishing Deadlines for the Payment of Pier Fees; Penalties for Pier Fees Which Become Delinquent; and other matters related thereto

THE FOLLOWING IS RESOLVED by the Greenwood County Council:

Section 1: Pier Fees, in amounts established by the Greenwood County Council, shall be due and payable on or before September 1 of each year.

Section 2: Pier Fees paid after September 1 but prior to December 1 shall incur penalties as follows, which may be waived in whole or in part by the County Manager in his discretion:

- a. If paid after September 1 but prior to October 1, a \$25.00 late charge shall be added.
- b. If paid on or after October 1 but prior to November 1, an additional \$25.00 late charge shall be added for a total late charge of \$50.00.
- c. If paid on or after November 1 but prior to December 1, an additional \$25.00 late charge shall be added for a total late charge of \$75.00.

Section 3: If the Pier Fee and any late charges are not paid by December 1, all encroachments extending from the property for which the Pier Fee was not paid shall be deemed abandoned by the owner thereof and shall become the sole and exclusive property of Greenwood County and shall be subject to removal by Greenwood County without compensation to the owners thereof. In addition, it shall thereafter be unlawful for any person to use or occupy such encroachment without the express written permission of Greenwood County. If a property owner desires to pay the Pier Fee after December 1, the County Manager may restore ownership of the encroachments to the property owner on such terms and conditions as he deems to be appropriate.

Section 4: With regard to the 2011 Pier Fees only, the dates in Sections 2 and 3 are extended as follows:

- a. September 1 is extended until January 1, 2012.
- b. October 1 is extended until February 1, 2012.
- c. November 1 is extended until March 1, 2012.
- d. December 1 extended until April 1, 2012.

DONE AND PASSED: December 6, 2011.

GREENWOOD COUNTY COUNCIL

Attest: _____
James N. Kier, County Manager

BY: _____
Robbie Templeton, Chairman

Angela Woodhurst
1/23/14

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

nnnr~t.aNCE NO. Z013 i3
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A RESOLUTION PROVIDING FOR THE AMENDMENT OF RESOLUTION 2007-13 OF THE GREENWOOD COUNTY COUNCIL,

WHEREAS, the Greenwood County Council is empowered by the Code of Laws of South Carolina to enact resolutions for preserving peace, order and good government in Greenwood County, and;

WHEREAS, the Greenwood County Council is empowered by the Greenwood County Code to amend the same;

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COUNTY COUNCIL, DULY ASSEMBLED. AS FOLLOWS:

Section 1. The provisions of Section 1(1) of Resolution 2007-13 of the Greenwood County Council are hereby amended to read as follows:

Prohibitions:

- i. The following are prohibited on all docks.
 - (1) Enclosed structures of any type.
 - (2) Enclosed handrails.
 - (3) Storage lockers over three feet high.
 - (4) Plumbing facilities including sinks, toilets and showers.
 - (5) Second level decks.
 - (6) Living quarters.
 - (7) Side walls and screens which obstruct or interfere with navigation or create a safety hazard, excluding retractable screens designed to block sunlight of such small surface area or size as to not interfere with navigation or create a safety hazard.

Section 2. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict only, hereby repealed and this Resolution shall take effect and be in full force from and after its passage and approval.

Section 3. This Ordinance shall become effective upon enactment by a majority of the members of the Greenwood County Council present and voting.

Passed and approved this 15 day of CC4-0iPea-, 2013.

**GREENWOOD COUNTY,
SOUTH CAROLINA**

4 4 _____

Mark Ilison .

Chairman, Greenwood County Council

ATTEST:



Toby Chappell

Greenwood County Manager

Greenwood, South Carolina

6c-44-t 15, 2013

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)

RESOLUTION NO. 2015-24

A RESOLUTION ESTABLISHING REGULATIONS FOR EXCAVATION WITHIN LAKE GREENWOOD.

WHEREAS, Greenwood County (hereinafter "the County") has obtained a License bearing Number P-1267 from the Federal Energy Regulatory Commission to operate a certain hydroelectric project described therein and known as Lake Greenwood (hereinafter "the Lake"), and;

WHEREAS, the County owns the real property comprising the bed of Lake Greenwood and situated within the hydroelectric project boundary as defined by the Federal Energy Regulatory Commission and as stated and shown in certain deeds, plats and agreements between the County and adjacent land owners (hereinafter "the Lake Bed Property"), and;

WHEREAS, the Federal Energy Regulatory Commission regulates the use of the Lake Bed Property, including excavating and dredging of the Lake Bed Property, pursuant to the aforesaid License Number P-1267, and;

WHEREAS, the South Carolina Department of Health and Environmental Control regulates the use of the Lake Bed Property, including dredging or alteration of the Lake Bed Property, pursuant to Regulation 19-450.1, *et seq.*, of the South Carolina Code of Regulations, and;

WHEREAS, the United States Army Corps of Engineers regulates the use of the Lake Bed Property, including excavation and sediment removal, pursuant to the Clean Water Act, and;

WHEREAS, the Greenwood County Council is empowered by the Code of Laws of South Carolina to enact regulations not inconsistent with the general law of the State of South Carolina and the United States of America, including regulations for the security and maintenance of real property owned by the County, and;

WHEREAS, the Greenwood County Council finds that the regulations promulgated hereinbelow are not inconsistent with the general law of the State of South Carolina and the United States of America, specifically the regulation of the Lake Bed Property by the Federal Energy Regulatory Commission, the South Carolina Department of Health and Environmental Control, and the United States Army Corps of Engineers;

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COUNTY COUNCIL, DULY ASSEMBLED, AS FOLLOWS:

- (a) That, for the purpose of the regulations herein promulgated, "Adjacent Owner" shall be defined as the owner of real property adjacent to the Lake Bed Property which is used solely for residential purposes.

(b) That excavation and removal of up to fifty (50) cubic yards of accumulated silt situated on the Lake Bed Property shall be permitted by the County, subject to the following regulations:

Section 1. Maintenance of Permitted Encroachments

(A) An Adjacent Owner may apply to the County and, if necessary, to a state or federal agency which regulates the Lake Bed Property, for a permit (hereinafter "the Permit") to remove sediment at or around an encroachment upon the Lake which has itself been previously permitted by the County.

(B) No fee shall be required by the County for the Permit.

(C) The Permit be valid for one (1) year from the date of its issuance, subject to the right of the County Manager to revoke the Permit at any time for violation of the provisions of this Resolution.

(D) The Permit shall be obtained solely for the purpose of creating reasonable access to a permitted encroachment.

(E) The Permit shall not be obtained for the purpose of altering the full-pool contour of the Lake or creating access to the waters of the Lake from lots not adjacent to the Lake Bed Property.

(F) The Permit will not be issued if the subject Lake Bed Property is located within a Critical Habitat Area or a Cultural Resource Area as defined by the County or a state or federal agency which regulates the Lake Bed Property.

(G) The permitted excavation and silt removal shall not adversely affect an aforesaid Critical Habitat Area or Cultural Resource Area.

(H) Excavation may not extend into the layer of hard clay which comprises the original bed of the Lake.

(I) Excavation may not extend into the natural contour of the original bed of the Lake.

(J) Work shall never be permitted during the fish-spawning months of March, April, May or June.

(K) The Adjacent Owner shall make every reasonable effort to prevent any degradation of the quality of the water of the Lake.

(L) The Adjacent Owner shall make every reasonable effort to minimize the impact of the work performed on the fish and wildlife of the County and the Lake, the natural

environment of the Lake, the scenic value of the Lake, the historical value of the Lake, and public recreation upon the Lake.

(M) If any artifacts believed to have historic or cultural value are found, work shall stop immediately and the Lake Management Department of the County (hereinafter "Lake Management") shall be notified.

Section 2. Area of excavation

(A) Excavation undertaken pursuant to the Permit must be performed "in the dry," meaning in an area above the elevation of the pool of the Lake at all times during which the said excavation is to be done.

(B) So as to prevent excessive turbidity, excavation shall not be undertaken when the waters of the Lake touch or cover in any part or regard the permitted area to be excavated.

(C) Excavation shall be limited to the dockable space of the Adjacent Owner.

(1) "Dockable space" shall have the same meaning as in Section 1(c) of Resolution 2007-13 of the Greenwood County Council

(D) Neighboring Adjacent Owners may combine their resources and efforts in a joint undertaking of permitted excavation and silt removal.

(E) A third party hired by an Adjacent Owner to perform excavation and silt removal pursuant to the Permit shall not commence work unless and until approved by the County Manager.

Section 3. Placement of excavated material

(A) Sediment removed from the Lake Bed Property (hereinafter "the Spoils") must be removed in one continuous operation.

(B) The Spoils must be completely removed from the Lake Bed Property and may not be sidecast elsewhere upon the Lake Bed Property.

(C) The Spoils must be placed upland, above the high-water mark of the Lake, in such a manner that the Spoils will not be discharged into the Lake or upon the Lake Bed Property or into another body of surface water, a wetland area, or a stream whether intermittent or continuous, or onto real property owned by a person or entity other than the Adjacent Owner except where the Adjacent Owner has the consent of the owner of the subject real property.

(D) The Spoils must be contained and permanently stabilized by a vegetative cover to prevent discharge as described in Section 3(C).

(E) The Adjacent Owner must comply with Best Management Practices for erosion control as promulgated by the South Carolina Department of Health and Environmental Control.

Section 4. Inspection by Lake Management

(A) Any employee, agent or representative of Lake Management shall be entitled to inspect work done pursuant to the Permit at any time before the commencement of work, during the work, and after the work is completed.

(B) The aforesaid inspections shall include, but not be limited to, the area and location of excavation, the material being excavated, the maintenance of erosion control, and the placement of the Spoils.

(C) The County Manager shall have the right to revoke the Permit at any time for any violation of the provisions of this Resolution.

(D) An Adjacent Owner in violation of, or noncompliance with, any part, section or subsection of these regulations shall be subject to the provisions of Section 10 of Ordinance 2004-18 of the Greenwood County Council, as well as any further penalties or civil remedies available to the County by law or statute.

Section 5. Rights of the County

(A) The County shall retain all right, title and interest to the Lake Bed Property and all riparian and littoral rights to the water within the Lake, and no Permit shall convey nor be interpreted as conveying, expressly or implicitly, any property right in the Lake Bed Property or the water within the Lake.

(B) No Permit shall be construed or interpreted as alienating public property for private use, nor does it authorize the Adjacent Owner or any third party to alienate, diminish, infringe upon or otherwise restrict the property rights of any other person or the public.

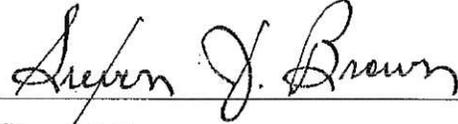
(C) The County shall retain and assert its discretion to evaluate and approve or deny any application for the Permit, and shall not be bound by this Resolution to issue any Permit to any person or entity.

(c) All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict only, hereby repealed and this Resolution shall take effect and be in full force from and after its passage and approval.

(d) This Resolution shall become effective upon the enactment by a majority of the members of the Greenwood County Council present and voting.

Passed and approved this 6th day of October, 2015.

**GREENWOOD COUNTY,
SOUTH CAROLINA**



Steven J. Brown
Chairman, Greenwood County Council

ATTEST:



Toby Chappell
Greenwood County Manager

Greenwood, South Carolina

October 15, 2015

Clerk to Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)

RESOLUTION NO. 2015-25

A RESOLUTION REGARDING ENCROACHMENTS UPON LAKE GREENWOOD SUBJECT TO CERTAIN RESTRICTIVE COVENANTS OF A SUBDIVISION OR NEIGHBORHOOD.

WHEREAS, Greenwood County (hereinafter "the County") has obtained a License bearing Number P-1267 from the Federal Energy Regulatory Commission to operate a certain hydroelectric project described therein and known as Lake Greenwood (hereinafter "the Lake"), and;

WHEREAS, Article 417(b) of the aforesaid License empowers the County to grant permits for encroachments upon the Lake such as non-commercial piers, landings, boat docks and similar structures and facilities (hereinafter "Encroachments") to serve single-family dwellings, and;

WHEREAS, the Greenwood County Council has enacted ordinances, resolutions and regulations governing the aforesaid Encroachments, including but not limited to its Resolution 2007-13, and;

WHEREAS, the aforesaid Encroachments may be affixed to tracts of real property subject to covenants, conditions or deed restrictions of a subdivision or neighborhood, and;

WHEREAS, the aforesaid covenants, conditions or deed restrictions may regulate Encroachments within the subdivision or neighborhood more stringently or more specifically than the regulations enacted by the Greenwood County Council, and;

WHEREAS, the County has no standing to enforce the covenants, conditions and deed restrictions of any subdivision or neighborhood, and;

WHEREAS, the Greenwood County Council desires to give effect to the wishes of the residents and property owners of the subdivisions and neighborhoods of Lake Greenwood, as expressed in the covenants, conditions and deed restrictions of the same;

NOW, THEREFORE, BE IT RESOLVED BY THE GREENWOOD COUNTY COUNCIL, DULY ASSEMBLED, AS FOLLOWS:

Section 1. That, where actual notice is given of a restrictive covenant, condition or deed restriction on tracts within a subdivision, neighborhood or organized area, and the said restrictive covenant, condition or deed restriction does not conflict with any ordinance, resolution or regulation enacted by the County, the Lake Management Division of the County (hereinafter "Lake Management") shall not issue any permit for an Encroachment without first obtaining the written consent of any duly appointed and constituted architecture review board of the said subdivision, neighborhood or area.

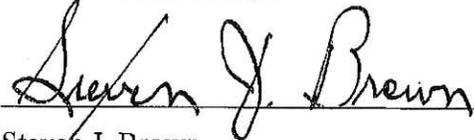
Section 2. That Lake Management, and the County generally, shall enforce only those ordinances, resolutions and regulations enacted by the Greenwood County Council, and shall not bear or undertake any responsibility for enforcing the restrictive covenants, conditions or deed restrictions of a subdivision, neighborhood or organized area.

Section 3. That Resolution 2004-17 of the Greenwood County Council is hereby repealed.

Section 4. That this Resolution shall become effective upon the enactment by a majority of the members of the Greenwood County Council present and voting.

Passed and approved this 6th day of October, 2015.

**GREENWOOD COUNTY,
SOUTH CAROLINA**



Steven J. Brown
Chairman, Greenwood County Council

ATTEST:



Toby Chappell
Greenwood County Manager

Greenwood, South Carolina

October 15, 2015