

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK) ORDINANCE 540
)
CITY OF TEGA CAY)

AN ORDINANCE TO PROVIDE FOR REGULATIONS FOR USE OF THE FORT MILL RIVER ACCESS AREA ON THE CATAWBA RIVER AND THE ENFORCEMENT THEREOF

WHEREAS, the Fort Mill River Access Area (hereinafter the “Access Area”) is owned by Duke Energy Carolinas, LLC (Duke Energy) and is part of Duke Energy’s Catawba-Wateree Hydroelectric Project (FERC NO. 2232); and

WHEREAS, the City of Tega Cay has entered into a Lease Agreement with Duke Energy, dated October 29, 2018, for the lease of approximately 39± acres which includes the Access Area; and

WHEREAS, as part of that Lease Agreement, the City of Tega Cay is responsible for the maintenance and operation of the Access Area; and

WHEREAS, due to its proximity to the hydroelectric dam, the Access Area serves the region as a primary access point onto the Catawba River in York County for recreational fishing, kayaking, ‘tubing’ and other recreational activities; and

WHEREAS, due to its limited amount of parking spaces, the Access Area often becomes overcrowded causing a strain on City resources for maintenance and public safety; and

WHEREAS, when private outfitters use the Access Area for commercial gain, recreational use of the area becomes extremely limited; and

WHEREAS, the City Council of the City of Tega Cay desires that the Access Area be open for recreational use and not for commercial gain while the City is responsible for the care and maintenance of the facility.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the City of Tega Cay, South Carolina, duly assembled:

SECTION I. The term outfitters shall include, but not be limited to, any business that sells or rents inner-tubes, rafts, kayaks, canoes, boats or any other floatation device regardless of whether the exchange of funds for such service occurs at the Access Area or not.

SECTION II. The Access Area hereby be limited for use by members of the general public for recreational use only. Outfitters shall not park at or use the Access Area at any time unless they have received prior written authorization from the City which the City may withhold in its sole discretion. Outfitters may shuttle patrons to the Access Area provided they have obtained a City Business License and all applicable City permits.

SECTION III. Persons using the Access Area are subject to all laws and regulations of the City of Tega Cay, the State of South Carolina and its agencies.

SECTION IV. There shall be no overnight parking of vehicles within the Access Area described above.

SECTION V. During increased flows of water through the hydroelectric dam, the City will coordinate closures of the Access Area with the City of Rock Hill, Duke Energy and York County EOC. It shall be unlawful for anyone to enter the river access area when the Access Area has been closed.

SECTION VI. Any person found in violation of any part of these regulations shall be subject to a fine of up to \$250 per violation or the maximum amount allowed by State law. Vehicles found left unattended overnight may be towed at the owners' expense.

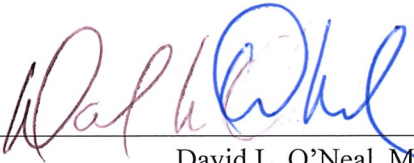
SECTION VII. Should any word, phrase, clause or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this Ordinance as a whole or any part hereof, except that specific provision declared by such court to be invalid or unconstitutional.

FIRST READING: April 15, 2019
SECOND READING: May 20, 2019

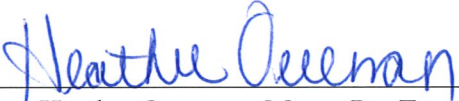
Enacted this 20th day of May, 2019, by a majority vote of the duly elected City Council of the City of Tega Cay, South Carolina.

SIGNED:







David L. O'Neal, Mayor



Heather Overman, Mayor Pro Tempore



Alicia Dasch, Council Member

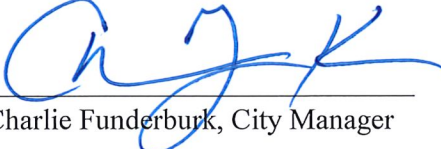


Ryan Richard, Council Member



Gus Matchunis, Council Member

ATTEST:



Charlie Funderburk, City Manager

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council of the City of Tega Cay, South Carolina, held on the 20th day of May, 2019.

Sylvia Szymanski



Municipal Clerk