

CHAPTER 28
Lake Wateree Marine Advisory Commission

SECTION 49-28-10. Definitions.

For purposes of this chapter:

- (1) "Board" means the county councils of Fairfield, Kershaw, and Lancaster Counties, South Carolina.
- (2) "Commission" means the Lake Wateree Marine Advisory Commission or its governing board.
- (3) "Commissioner" means a member of the governing board of the Lake Wateree Marine Advisory Commission.
- (4) "Three counties" means Fairfield, Kershaw, and Lancaster Counties, South Carolina.
- (5) "Joint ordinance" means an ordinance substantially identical in content adopted separately by the three counties.
- (6) "Lake Wateree" means the impounded body of water in the three counties extending from the Wateree Dam upstream to the Cedar Creek and Rock Creek Dam and is encompassed by approximately two hundred forty-two miles of shoreline and having a surface area of approximately thirteen thousand seven hundred ten acres.
- (7) "Department" means the South Carolina Department of Natural Resources.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-20. Creation and dissolution of commission.

The three counties may by joint ordinance create the Lake Wateree Marine Advisory Commission. Upon its creation, the commission has the powers, duties, and responsibilities conferred upon it by joint ordinance subject to the laws of the State of South Carolina. The provisions of a joint ordinance may be modified, amended, or rescinded by a later joint ordinance. A county may withdraw unilaterally from participation as required by a joint ordinance or the provisions of this article once the commission is created. A county, by ordinance, may withdraw unilaterally from the commission at the end of a budget period upon ninety days' prior written notice. If a county withdraws from participation, the commission is dissolved and all property of the commission must be distributed to or divided among the counties and other public agency or agencies serving the Lake Wateree area. Distribution must be in a manner considered equitable by the commission and pursuant to a resolution adopted before the dissolution.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-30. Governing board; appointment of members; terms; filling vacancies.

Upon its creation, the commission's governing board must consist of two members from each county appointed by the governing body of that county, plus one additional member to be appointed from the county first enacting the joint ordinance. Appointment of that additional member must rotate among the counties after each term in a sequence corresponding to the order in which the counties enacted the ordinances. Members serve for terms of four years and until their successors are appointed and qualify, except that for the commission's initial appointments, each county's governing body must designate one of its appointees to serve a two-year term after which the successor shall serve for a term of four years. Regardless of the date of appointment, terms end on July first of the applicable year. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-40. Budgetary and accounting procedures.

The commission is governed by budgetary and accounting procedures as may be specified by the joint ordinance.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-50. Meetings; election of officers; adoption of regulations; committees.

Upon creation of the commission, its governing board shall meet at a time and place agreed upon by the councils of the counties. The commissioners shall elect a chairman and other officers they consider necessary to carry out the purposes of this article. All officers serve one-year terms. The governing board shall adopt regulations, as it considers necessary, not inconsistent with the provisions of this article or of a joint ordinance or the laws of this State, for the proper discharge of its duties and for the governance of the commission. A quorum must be present to conduct business. The chairman may adopt committees authorized by the regulations. The commission shall meet regularly at times and places specified in its regulations or in a joint ordinance, except that meetings of the commission must be held in each county on a rotating basis so that an equal number of meetings are held in each county. Special meetings may be called as specified in the regulations. The provisions of Chapter 4, Title 30 of the 1976 Code apply to all commission meetings.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-60. Powers of commission to hire staff, contract for services, and build and maintain facilities; federal grants; county funding; audits.

(A) Within the limits of funds available to it and subject to the provisions of this chapter and of a joint ordinance, the commission may with the approval of all three of the county councils:

(1) hire and fix the compensation of permanent and temporary employees and staff as it considers necessary in carrying out its duties;

(2) contract with consultants for services it requires;

(3) contract with the State of South Carolina, or the federal government, or any agency, department, or subdivision of them for property or services provided to or by these agencies and carry out the provisions of these contracts;

(4) contract with persons, firms, and corporations generally as to all matters over which it has a proper concern and carry out the provisions of contracts;

(5) lease, rent, purchase, or otherwise obtain suitable quarters and office space for its employees and staff, and lease, rent, purchase, or otherwise obtain furniture, fixtures, vessels, vehicles, firearms, uniforms, and other supplies and equipment necessary or desirable for carrying out the duties imposed in or under the authority of this chapter; and

(6) lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair, and replace, either on its own or in cooperation with other public or private agencies or individuals, any of the following: boat docks, navigation aids, waterway markers, public information signs and notices, and other items of real and personal property designed to enhance public safety in Lake Wateree and its shoreline area, or protection of property in the shoreline area subject, however, to the provisions of Title 50 of the 1976 Code or regulations promulgated under that title.

(B) The commission may accept, receive, and disburse in furtherance of its functions funds, grants, services, or property made available by the federal government or its agencies or subdivisions, the State of South Carolina or its agencies or subdivisions, or by private and civic sources.

(C) The governing bodies of the counties may appropriate funds to the commission out of surplus funds or funds derived from nontax sources in an amount that each county considers appropriate.

(D) The commission is subject to audit requirements specified in a joint ordinance.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-70. Joint county ordinances; certification by director; evidence of certification and director's submission for filing.

(A) A copy of the joint ordinance creating the commission and of a joint ordinance amending or repealing the joint ordinance creating the commission must be filed with the director of the department. When the director receives substantially identical ordinances from all three of the counties in accordance with procedures agreed upon, he shall certify this fact and distribute, within ten days, a certified single ordinance text to the following:

- (1) the Secretary of State of South Carolina;
- (2) the clerk to the county council of each of the three counties;
- (3) the clerk of court of each of the three counties; and

(4) a newspaper of general circulation in the three counties. Upon request, the director also shall send a certified single copy of an applicable joint ordinance to the chairman of the commission.

(B) Unless a joint ordinance specifies a later date, it takes effect when the director's certified text is submitted to the Secretary of State for filing. Certifications of the director under the seal of the commission as to the text or amended text of a joint ordinance and of the date or dates of submission to the Secretary of State is admissible as evidence in any court. Certifications by a clerk of court of the text of a certified ordinance filed with him by the director is admissible as evidence and the director's submission of the ordinance for filing to the clerk is prima facie evidence that the ordinance was also submitted for filing with the Secretary of State on the date of submission. Except for the certificate of a clerk as to receipt and date of submission, evidence may not be admitted in any court concerning the submission of the certified text of an ordinance by the director to a person other than the Secretary of State.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-80. Recommendations concerning use of Lake Wateree and shoreline area; adoption of joint ordinances; notice, filing, and certified copies of ordinances.

(A) The commission may make recommendations to the counties applicable to Lake Wateree and its shoreline area concerning all matters relating to or affecting the use of Lake Wateree. These recommendations may not conflict with or supersede provisions of general or special acts or of regulations of state agencies promulgated pursuant to the authority of general law. A recommendation may be adopted and enacted by the three counties pursuant to joint ordinance.

(B) The joint ordinance must specify the penalty for violation of an enactment.

(C) An enactment pursuant to this section takes effect upon passage or upon the dates stipulated in the joint ordinance, except that an enactment may not be enforced unless adequate notice of it has been posted in or on Lake Wateree or its shoreline area. Adequate notice as to an enactment affecting only a particular location may be by a sign, uniform waterway marker, posted notice, or other effective method of communicating the essential provisions of the enactment in the immediate vicinity of the location in question. If an enactment applies generally as to Lake Wateree or its shoreline area, or both, notices, signs, or markers communicating the essential provisions must be posted in high traffic areas at least three different, conspicuous places throughout the area, and notice printed in a newspaper of general circulation in the three counties.

(D) A copy of each ordinance pursuant to this section must be filed by the commission with the following persons:

- (1) the Secretary of State of South Carolina;
- (2) the clerk of court of each of the three counties;
- (3) the director of the department.

(E) An official designated in subsection (D) may issue a certified copy of an ordinance filed with him under the seal of his office. A certified copy may be received in evidence in any proceeding.

HISTORY: 2004 Act No. 305, Section 1.

SECTION 49-28-90. Law enforcement officers; extraterritorial jurisdiction.

(A) All law enforcement officers, or those officers designated in the joint ordinance, with territorial jurisdiction as to a part of Lake Wateree or its shoreline area have the authority of peace officers in enforcing the laws over all of Lake Wateree and its shoreline area, within the limitations of their subject matter jurisdiction.

(B) If a law enforcement officer of one of the three counties with jurisdiction over any part of Lake Wateree or its shoreline area is performing duties relating to the enforcement of the laws on Lake Wateree or in its shoreline area, he has extraterritorial jurisdiction in those parts of Lake Wateree located in the three counties as may be necessary to perform his duties. These duties may include patrolling the entire area of Lake Wateree and when probable cause exists, investigate possible violations of the law. This includes traversing by reasonable routes from one portion of this area to another across territory not within the boundaries of Lake Wateree and its shoreline area; transporting across territorial boundaries prisoners in custody to a court or detention facility as may be authorized by law; execution of process connected with any criminal offense alleged to have been committed within the boundaries in question. This also includes continuing pursuit of and arresting any violator or suspected violator as to which grounds for probable cause arose within the area in question.

(C) If a law enforcement officer is given additional territorial jurisdiction pursuant to this section, it is an extension of the duties of the office held and he is not required to take any additional oath or title of office.

(D) A criminal violation must be tried in the county in which it occurred.

(E) This section does not authorize the members of the Lake Wateree Marine Advisory Commission to act as law enforcement officers.

HISTORY: 2004 Act No. 305, Section 1.