**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑39‑370 SO AS TO ALLOW A PROPERTY OWNER TO APPLY TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROTECT PROPERTY FROM THE WATERS OF THE ATLANTIC OCEAN, TO SET FORTH THE PERMIT PROCESS, AND TO SPECIFY THE AUTHORIZED METHODS OF PROTECTION.

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

SECTION 1. Chapter 39, Title 48 of the 1976 Code is amended by adding:

“Section 48‑39‑370. (A)(1) Notwithstanding any other provision of law, and regardless of whether this chapter is applicable to a certain area, if emergency conditions exist, or have existed, anywhere in the coastal zone, a property owner may apply to the division for a permit to protect the property of the property owner. The division must approve the permit within five days of application, inclusive of Saturdays, Sundays, and holidays, if emergency conditions exist on the property. If the division does not approve the permit within five days due to a failure to determine whether emergency conditions exist, the property owner may apply to the municipality, or county if the property is located in an unincorporated area, for the same permit. A permit issued by the municipality or county is effective until the division determines whether emergency conditions exist.

(2) The division may promulgate regulations necessary to administer the provisions of this section. Also, the division may charge a fee that does not exceed the necessary costs of issuing the permit.

(B)(1) A permit issued pursuant to subsection (A) authorizes a property owner to protect any structure, deck, and stairs or decks leading into the structure, on the property. Stairs or decks leading to the beach do not qualify for protection. A property owner may protect the property with wood bulkhead construction, rock revetment, filter cloth, beach sand, and beach compatible sand. The protection may extend towards the beach no more than thirty‑five feet from the object closest to the beach that is being protected. The protection may not extend more than eighteen inches above the base of the object being protected.

(2) A property owner that protects property pursuant to this section is responsible for all the costs associated with protecting the property. Any property owner that protects property pursuant to this section must adequately maintain the means of protection, and is responsible for all the costs associated with the maintenance.

(C) For purposes of this section, ‘emergency conditions’ means the waters of the Atlantic Ocean are ten feet or less from the object for which application is made to protect.”

SECTION 2. This act takes effect January 1, 2012.

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