DRAFT PREPARED BY LEGISLATIVE COUNCIL

For: Senator Fanning

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Stenographer: Huth

Date: January 15, 2019

DOC. I.D.: L:\COUNCIL\BILLS\BH\7104CZ19.DOCX

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 48‑14‑45 SO AS TO ESTABLISH CERTAIN STORMWATER AND SEDIMENT REDUCTION PERMIT REQUIREMENTS FOR AN ALL‑TERRAIN VEHICLE PARK, TO DEFINE THE TERM ALL‑TERRAIN VEHICLE PARK, AND TO PROVIDE A PENALTY.

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

SECTION 1. Chapter 14, Title 48 of the 1976 Code is amended by adding:

“Section 48‑14‑45. (A) As used in this section, ‘all‑terrain vehicle park’ means an area of privately owned land operated with the intention of providing an opportunity to utilize an all‑terrain vehicle as defined in Section 50‑26‑20.

(B)(1) An all‑terrain vehicle park must submit a stormwater management and sediment control plan to the department and local government operating a stormwater management and sediment reduction program, if applicable. In addition to the information required by the department, the plan must, at a minimum, include methods to:

(a) mitigate land disturbance by all‑terrain vehicle park visitors; and

(b) address any existing stormwater and sediment discharge into the waters around the all‑terrain vehicle park.

(2) The provisions of Section 48‑14‑30(B) and (C) apply to plans submitted by an all‑terrain park.

(3) The department has full authority to enforce the plan submitted by the park regardless of regulation by a local government, if applicable.

(4) In addition to the requirements set forth pursuant to this chapter and by regulation, the department may consider other state and federal laws when electing to approve or deny a permit.

(C) In addition to penalties prescribed by a local government and the provisions of this chapter, the department may issue a fine to an all‑terrain vehicle park that fails to submit a stormwater management and sediment control plan or violates the provisions of this chapter. The department may levy a fine up to five hundred dollars per day until the plan is submitted or the violation is remedied.”

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

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