

ARTICLE 16

BEACH MANAGEMENT

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BEACH MANAGEMENT¹

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¹ Amended by Ordinance 2001-2. Effective 3-13-01.

² Amended by Ordinance 2006-9. Effective 12-05-06.

³ Amended by Ordinance 2009-6. Effective 9-1-09.

⁴ Amended by Ordinance 2008-01. Effective 5-6-08.

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CHAPTER 1

BEACH LIGHTING

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CHAPTER 1

BEACH LIGHTING

Section 16-101 Need for Beach Lighting Regulations

The purpose of this regulation is to protect sea turtles which nest along the beaches of Kiawah Island, by safeguarding the hatchlings from sources of artificial light.

Section 16-102 Definitions

For the purpose of this Chapter, the following terms shall have the meanings set forth below:

artificial light: Any source of light emanating from a manmade device, including but not limited to, incandescent, mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.

beach: That area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).

floodlight: Reflector type light fixture which is attached directly to a building and which is unshielded.

low profile luminaire: Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.

new development: Shall include new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

person: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group or unit of federal, state, county or municipal government.

pole lighting: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.

solar screen: Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:

1. Have a shading coefficient of .45 or less, and
2. Carry a minimum five-year warranty, and
3. Must have performance claims supported by approved testing procedures and documentation.

tinted or filmed glass: Window glass which has been covered with window tint or film such that the material has:

1. A shading coefficient of .45 or less, and
2. A minimum five-year warranty, and
3. Adhesive as an integral part, and
4. Performance claims supported by approved testing procedures and documentation.

shading coefficient: A coefficient expressing that percentage of the incident radiation which passes through the window as heat.

Section 16-103 New Development

It is the policy of the Kiawah Island Town Council that no artificial light associated with new development within the 40-year setback zone illuminate any area of the beaches of Kiawah Island. To meet this intent, building and electrical plans for construction of single family or multi-family dwellings, commercial or other structures including electrical plans associated with parking lots, dune walkovers, or other outdoor lighting for real property (if lighting associated with such construction or development can be seen from the beach), shall be in compliance with the following:

- A. Floodlights shall be prohibited. Wall mounted light fixtures shall be fitted with hoods so that no light illuminates the beach.
- B. Pole lighting shall be shielded in such a way that light will be contained within an arc of three (3) to seventy-three (73) degrees on the seaward side of the pole. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- C. Low profile luminaries shall be used in parking lots

and such lighting shall be positioned so that no light illuminates the beach.

- D. Dune walkovers shall utilize low profile shielded luminaries.
- E. Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.
- F. Tinted or filmed glass shall be used in windows facing the ocean above the first floor or multi-story structures. Shade screens can be substituted for this requirement.
- G. Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed, and in no case shall those lights illuminate the beach.

Section 16-104 Exemptions for New Development

The provisions of Section 16-103 of this Article shall not apply to any structure for which a building permit has been issued by the Town of Kiawah Island, prior to the effective date of Ordinance 91-4 (i.e., August 15, 1991), which preceded this Article.

Section 16-105 Existing Development

It is the policy of the Town of Kiawah Island Town Council that no artificial light illuminate any area of the beaches of Kiawah Island. To meet this intent, lighting of existing structures within the 40-year setback zone which can be seen from the beach shall be in compliance with the following within six (6) months of the effective date of this Article.

- A. Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that they are not visible from the beach, or turned off after 9:00 p.m. during the period of May 15 to October 31, of each year.
- B. Lights illuminating dune crosswalks of any area oceanward of the dune line shall be turned off after 9:00 p.m. during the period of May 15 to October 31, of each year.

- C. Security lighting shall be permitted throughout the night so long as low profile luminaries are used and screened in such a way that those lights do not illuminate the beach.
- D. Window treatments in windows facing the ocean above the first floor of multi-story structures are required so that interior lights do not illuminate the beach. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the light illuminates the beach.

Section 16-106 Community Owned Lighting

Street lights and lighting at parks and other publicly owned beach access areas within the 40-year setback zone shall be subject to the following:

- A. Whenever possible, street lights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.
- B. Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period May 15 to October 31, of each year.

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CHAPTER 2

DEFINITIONS

Section 16-201 Definitions

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CHAPTER 2

DEFINITIONS

Section 16-201 Definitions

- A. OCRM - the South Carolina Department of Health and Environmental Control's Office of Ocean and Coastal Resource Management
- B. Beaches - those lands subject to periodic inundation by tidal and wave action so that no nonlittoral vegetation is established

For the purposes of this Chapter and all other Chapters and Sections set forth herein, the following terms, phrases, words and their derivation shall have the meaning given herein, as applied to Kiawah Island:

Beach shall mean those areas including the waters of the Atlantic Ocean (1) from the mean low water mark one mile out, (2) the area between the mean low water mark and the mean high water mark from Captain Sam's Inlet in the West to the Northernmost portion of Little Bear Island in the East, and, (3) the area between the mean high water mark landward to include the baseline and the landward OCRM setback line beyond the baseline on Kiawah Island.

- C. Active Beach - the area seaward of the escarpment or the first line of stable natural vegetation, whichever first occurs, measured from the ocean landward
- D. Baselines:
 - (1) Within a standard erosion zone the baseline is established at the location of the crest of the primary oceanfront sand dune in that zone. In a standard erosion zone in which the shoreline has been altered naturally or artificially by the construction of erosion control devices, groins, or other man-made alterations, the baselines must be established by the Department using the best scientific and historical data, as where the crest of the primary oceanfront sand dune for that zone would be located if the shoreline had not been altered.

- (2) Within an unstabilized inlet zone the baseline must be determined by the Department as the most landward point of erosion at anytime during the past forty years, unless the best available scientific and historical data of the inlet and adjacent beaches indicate that the shoreline is unlikely to return to its former position. In collecting and utilizing the best scientific and historical data available for the implementation of the retreat policy, the Department as part of the State Comprehensive Beach Management Plan provided for in this chapter, among other factors, must consider: historical inlet migration, inlet stability, channel and ebb tidal delta changes, the effects of sediment bypassing on shorelines adjacent to the inlets, and the effects of nearby beach restoration projects on inlet sediment budgets.
- E. Setback Line - the line landward of the baseline that is established at a distance which is forty times the average annual erosion rate as determined by historical and other scientific means and adopted by the department in the State Comprehensive Beach Management Plan. However, all setback lines shall be established no less than twenty feet landward of the baseline, even in cases where the shoreline has been stable or has experienced net accretion over the past forty years.
- F. Standard erosion zone - a segment of shoreline which is subject to essentially the same set of coastal processes, has a fairly constant range of profiles and sediment characteristics, and is not influenced directly by tidal inlets or associated inlet shoals
- G. Inlet erosion zone - a segment of shoreline along or adjacent to tidal inlets which is influenced directly by the inlet and its associated shoals
- H. Beach/Dune System - all land from the mean high-water mark of the Atlantic Ocean landward to the 40-year setback line
- I. Beach nourishment - the artificial establishment and periodic renourishment of a beach with sand that is compatible with the existing beach in a way so as to create a dry sand beach at all stages of the tide
- J. Coastal waters - the navigable waters of the United States subject to the ebb and flood of the tide and which are saline waters, shoreward to their mean high-water mark

- K. Coastal zone - all coastal waters and submerged lands seaward to the State's jurisdictional limits and all lands and waters in the counties of the State which contain any one or more of the critical areas. These counties include Charleston.
- L. Critical areas - any of the following (1) coastal waters; (2) tidelands; (3) beaches; (4) beach/dune system which is the area from the mean high-water mark to the setback line
- M. Tidelands - all areas which are at or below mean high tide and coastal wetlands, mudflats, and similar areas that are contiguous or adjacent to coastal waters and are an integral part of the estuarine systems involved. Coastal wetlands include marshes, mudflats, and shallows and means those areas periodically inundated by saline waters whether or not the saline waters reach the area naturally or through artificial water courses and those areas that are normally characterized by the prevalence of saline water vegetation capable of growth and reproduction. Provided, however, nothing in this definition shall apply to wetland areas that are not an integral part of an estuarine system. Further, until such time as the exact geographic extent of this definition can be scientifically determined, the Department shall have the authority to designate its approximate geographic extent.
- N. Department - South Carolina Department of Health and Environmental Control
- O. Mean High Water Mark - the arithmetic mean of the high water heights observed over a specific 19-year Metonic cycle. For stations with shorter series, simultaneous observational comparisons are made with a primary control tide station in order to derive the equivalent of a 19-year value.
- P. Mean Low Water Mark - the arithmetic mean of the low water heights observed over a specific 19-year Metonic cycle. For stations with shorter series, simultaneous observational comparisons are made with a primary control tide station in order to derive the equivalent of a 19-year value.

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CHAPTER 3

BEACH TRAFFIC

Section	16-301	Need for Regulating Traffic on Beaches and Dunes
Section	16-302	Essential Vehicular Traffic ^{1 2}
Section	16-303	Emergency Vehicular Beach Access Points
Section	16-304	Wheeled and Pedestrian Traffic on Beaches and Dunes
Section	16-305	Operation of Vehicles on Beaches and Dunes

¹ Amended by Ordinance 99-2; effective 3/9/99. Amended by Ordinance 2002-4; effective 6/11/02. Amended by Ordinance 2005-5; effective 9/13/05.

² Amended by Ordinance 2006-9. Effective 12-05-2006.

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CHAPTER 3

BEACH TRAFFIC

Section 16-301 Need for Regulating Traffic on Beaches and Dunes

Kiawah Island beaches and dunes provide a number of important functions. These include:

storm protection for upland areas

habitat for a variety of plant and animal species

nesting habitat for sea turtles

recreational opportunities for residents and guests

Regulation of wheeled and pedestrian traffic is necessary to protect natural resources and habitats, and to insure the safety of beach visitors.

Section 16-302 Essential Vehicular Traffic¹

Vehicular traffic on the beach shall generally be discouraged. However, there are certain vehicular uses which the Town deems essential to the health, welfare and safety of residents of and visitors to the Town.

It shall be unlawful for any person to drive any motor vehicle, of any nature or description, on the beaches and dunes of Kiawah Island seaward of the OCRM 40-year setback line, unless such use is specifically allowed as set forth below.

The following uses shall be permitted, provided the vehicles satisfy those restrictions and conditions located elsewhere in this Section and Chapter:

- a. Emergency vehicles;

¹ Amended by Ordinance 99-2; effective 3/9/99. Amended by Ordinance 2002-4; effective 6/11/02. Amended by Ordinance 2005-5; effective 9/13/05.

- b. Town and other government vehicles;
- c. Vehicles used in the turtle monitoring program;
- d. Vehicles used to conduct Town approved beach surveys;
- e. Vehicles used in conjunction with Town contracts, concessions or franchise agreements;
- f. Kiawah Island Community Association security and maintenance vehicles;
- g. Kiawah Development Partners vehicles solely for the purpose of inspecting and maintaining its beachfront properties;
- h. Vehicles used in conjunction with surf fishing and other recreational activities east of Ghost Crab Run (Ocean Course) shall generally be allowed from September 1st through May 15th each year; provided, however, the Town Administrator may, at his discretion, alter the dates and/or temporarily suspend the privilege if doing so is in the best interests of the Town. Vehicles used for this purpose must enter the beach via Ghost Crab Run vehicular access point, which is seaward of the Ocean Course Clubhouse or other such entry as may be designated. A Town permit shall be required; and,
- i. Other vehicle uses deemed essential by the Town, as permitted by the Town pursuant to administrative regulations promulgated by the Town.

Section 16-303 Emergency Vehicular Beach Access Points¹

Emergency vehicular beach access points are hereby defined as those certain access points identified below which shall be limited to vehicular use as set forth in Section 16-302.

Vehicular access onto Kiawah's beaches shall be restricted to the following designated emergency vehicular beach access points:

- a. Ocean Marsh Road emergency vehicular access point adjacent to the Atlantic Ocean at Lots 218 and 219, off Ocean Marsh Road and Governors Drive. This emergency access point was granted pursuant to the South Carolina Coastal Council permit No. CC-93-056 on

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

April 20th, 1993.

- b. Eugenia Avenue emergency vehicular access point adjacent to the Atlantic Ocean between Lots 29 and 31, off Eugenia Avenue. This emergency access point was granted pursuant to the South Carolina Coastal Council permit No. CC-90-167 on July 25th, 1990.
- c. Ghost Crab Run emergency vehicular access point adjacent to the Atlantic Ocean near and in front of the Ocean Course Club House. This emergency access point has been in continuous use for decades and did not require a South Carolina Coastal Council permit. This emergency vehicular access point more fully appears on an undated plat prepared for Kiawah Beach Company by Sea Pines Plantation Company Engineering Group, a copy of which is on file in Town Hall.
- d. Ocean Marsh Road emergency vehicular access point adjacent to the Atlantic Ocean at Lot 225, off Ocean Marsh Road. This emergency access point was granted pursuant to the South Carolina Coastal Council permit No. CC-93-032 on April 20, 1993.
- e. Beachwalker Drive emergency vehicular access point adjacent to the Atlantic Ocean at Beachwalker County Park, off Beachwalker Drive. This emergency access point was granted pursuant to OCRM permit No. 97-171-H in 1997.
- f. The Sanctuary emergency vehicular access point is adjacent to the Atlantic Ocean near and to the west of The Sanctuary Hotel. This emergency access point was granted pursuant to OCRM permit No. 05-070-E on May 18, 2005.

Section 16-304 Wheeled and Pedestrian Traffic on Beaches and Dunes

Wheeled vehicles traveling through dune areas seaward of the OCRM 40-year setback line to the beach shall be restricted to the designated emergency vehicular beach access points. Vehicular traffic onto and off the beach through other areas shall be prohibited. The placement and/or storage of sailboats or trailers on the primary dunes, or dunes landward thereof, is expressly prohibited.

Pedestrians shall not walk through dunes areas seaward of the OCRM 40-year setback line, unless on official business. Access

to the beach is restricted to pedestrian access points at community dune walkovers or private dune walkovers, or emergency vehicular accesses.

The retrieving and launching of sailboats (whether trailered or not) shall be limited to the emergency vehicular access points. No motor vehicles shall be allowed beyond these access points unless specifically provided for elsewhere herein. The sailboat (whether trailered or not) shall be manually retrieved or launched, provided that electric or manual winches may be used for retrieving and launching.

Section 16-305 Operation of Vehicles on Beaches and Dunes

Vehicles using the beach shall be operated in such a manner that pedestrians and other beachgoers are not endangered or harmed. The maximum permissible speed limit on the beach shall be twenty (20) miles per hour. Further, vehicles shall be driven on the wet sand beach and shall not travel on the dry sand or upper beach; vehicles shall not travel into or otherwise disturb nesting or designated critical habitat areas.

Vehicles traveling through dune areas to the beach shall be restricted to designated emergency vehicular beach access points. Travel onto and off the beach through other areas shall be prohibited.

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CHAPTER 4

BEACH AND DUNE PROTECTION

Section	16-401	Importance of Beaches and Dunes
Section	16-402	Erosion Control Strategies for Kiawah Island ¹
Section	16-403	Dune Protection
Section	16-404	Dune Restoration and Revegetation
Section	16-405	Funding for Beach and Dune Restoration Projects ²
Section	16-406	Dune Walkovers ³
Section	16-407	Destruction of Sea Oat or Venus Flytrap Plant
Section	16-408	Discharge on the Beach Prohibited ⁴

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

² Amended by Ordinance 2006-9. Effective 12-05-2006.

³ Created by Ordinance 2000-3; effective 6/27/00. Amended by Ordinance 2000-9; effective 1-9-01.

⁴ Created by Ordinance 2006-9. Effective 12-05-2006.

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CHAPTER 4

BEACH AND DUNE PROTECTION

Section 16-401 Importance of Beaches and Dunes

Beaches and dunes along Kiawah Island provide protection against storm waves and tides, provide habitat for a variety of plant and animal species, and offer exceptional recreational opportunities. The Town of Kiawah Island has determined that the protection and restoration of beaches and dunes is essential to the quality of life on Kiawah Island.

Section 16-402 Erosion Control Strategies for Kiawah Island¹

Given the natural setting that exists along the beaches of Kiawah Island, the Town will encourage erosion control strategies that work in concert with local coastal processes, and will discourage erosion control strategies that harden the shoreline. The Town of Kiawah Island declares that preferred erosion control strategies for the protection of habitable and other structures along the ocean shoreline will consist of:

dune restoration and revegetation

beach nourishment using approved borrow sources

sand bagging (under emergency conditions)

All erosion control efforts shall comply with the requirements set forth in Section 1-6 of the updated Town of Kiawah Island

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

Local Comprehensive Beach Management Plan, the provisions of which are adopted by reference as part of this Chapter.

The Town must approve, in advance, all erosion control activities along Kiawah Island, including any that use the beaches, dunes or adjacent tidal inlets for borrowing, transportation or placement of sand. The Town must approve any future inlet relocation projects at Captain Sam's Inlet.

Section 16-403 Dune Protection¹

The Town of Kiawah Island recognizes the important protective and ecological functions that a healthy dune system provides. The Town also recognizes that the dune system along the oceanfront must be carefully managed to insure these important functions are not lost. Hence, any activity, construction or alteration of sand dunes seaward of the 40-year setback line must be approved, in advance, by the OCRM and the Town. Section 1-6 of the updated Town of Kiawah Island Local Comprehensive Beach Management Plan lists specific policies governing activities related to dune alteration, destruction, restoration and revegetation. These policies are adopted by reference as part of this chapter.

Section 16-404 Dune Restoration and Revegetation²

Dunes may sustain damage due to natural causes or because of man's activities. In both cases, damaged areas should be restored and revegetated using methods and materials approved by the OCRM and the Town.

Section 1-6 and Appendix B of the updated Town of Kiawah Island Local Comprehensive Beach Management Plan list specific dune restoration, dune revegetation and sand fence placement guidelines. These guidelines are adopted by reference as part of this Chapter and should be followed during any dune repair or construction projects.

Section 16-405 Funding for Beach and Dune Restoration Projects³

The Town maintains Accommodations Tax and Hospitality Funds that

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

² Amended by Ordinance 2006-9. Effective 12-05-2006

³ Amended by Ordinance 2006-9. Effective 12-05-2006

must be spent exclusively toward projects such as tourism and cultural facilities, beach access, roads providing access to tourist destinations, etc. All expenditures from the Fund must be approved by the Town Council, in accordance with procedures contained in other articles of the Municipal Code and the State Code.

Within the Fund, the Town of Kiawah may include a budgeted Beach Restoration line item. Money in this line item can be used to fund projects that:

- Enhance or restore the beach and dune system
- Enhance or increase access to the beach
- Improve the condition or safety of the beach

Section 16-406 Beach Walkovers^{1 2}

- (A) It is unlawful for any property owner to knowingly allow a dune walkover structure that extends more than ten (10) feet onto the active beach to exist sixty days from the date said property owner receives written notice from the Town requesting that the property owner remove and/or modify said dune walkover. The notice shall be sent by certified mail return receipt requested. The Town Administrator, however, may extend the sixty day time frame upon written request by the property owner.
- (B) It is unlawful for any property owner whose dune walkover structure terminates landward of a damaged primary dune to knowingly not extend said structure, in compliance with OCRM guidelines and the updated Town of Kiawah Island Local Comprehensive Beach Management Plan, sixty days from the date said property owner receives written notice from the Town requesting that the property owner extend and/or modify said dune walkover. The notice shall be sent by certified mail return receipt requested. The Town

¹ Created by Ordinance 2000-3; effective 6/27/00. Amended by Ordinance 2000-9; effective 1-9-01.

² Amended by Ordinance 2006-9. Effective 12-5-06.

Administrator, however, may extend the sixty day time frame upon written request by the property owner.

- (C) Should said property owner fail to modify their dune walkover after receiving sixty days written notice or after the expiration of any extension granted by the Town Administrator, the Town of Kiawah Island, South Carolina, shall be authorized to remove/extend and/or modify said structure, and file a real property lien against said property owner's property for the costs associated with such modification, including reasonable attorney's fees.
- (D) The following definition shall be used in administering this Section:
 - 1. Active Beach: the areas seaward of the escarpment or the first line of the stable natural vegetation, whichever first occurs, measured from the ocean landward.

Section 16-407 Destruction of Sea Oat or Venus Flytrap Plant

It shall be unlawful for any person to cut, collect, break or otherwise destroy sea oat plants, Venus-flytrap plants or any part thereof on public property or on private property without the owner's consent. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than thirty (30) days. Each violation shall constitute a separate offense. See also Section 15-203 of this Code. (Section 16-11-590, S.C. Code of Laws, 1976).

Section 16-408 Discharge on the Beach Prohibited¹

Outfalls or other means of direct discharge onto the beach are prohibited. In the event that erosion of dune areas takes place

¹Created by Ordinance 2006-9. Effective 12-5-06.

and the potential for direct discharge of stormwater, pool overflow, or golf course runoff to the beach increases, developers and property owners are required to redirect any potential discharges away from the beach. The Town shall work in conjunction with all affected groups to restore and maintain natural dune areas along the shoreline as a means of reducing or eliminating the potential for direct discharge to the beach. However, property owners should not rely only on the Town's dune program to control discharge.

Irrigation and runoff from upland development and golf courses to dune areas shall be controlled so that non-native vegetation does not displace native grasses and ground covers.

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CHAPTER 5

CONTROL OF PETS

Section	16-501	Need for Controlling Pets on Beaches and Dunes
Section	16-502	Restraint on the Beach and Dunes ¹

¹ Amended by Ordinance 2009-6. Effective 9-1-09.

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CHAPTER 5

CONTROL OF PETS

Section 16-501 Need for Controlling Pets on Beaches and Dunes

Kiawah Island beaches and dunes provide habitat for a variety of plant and animal species that could be harmed by free-roaming pets. Beaches also provide recreational opportunities for property owners and guests. Regulation of pets is necessary to protect natural resources and habitats, and to insure that property owners and guests, including small children, utilizing the beach for recreational purposes are safe and not threatened by free-roaming pets.

Section 16-502 Restraint on the Beach and Dunes¹²

- A. Owners may unleash their pets year round (in those areas designated as "Dog Use Areas" on the attached "Map of Kiawah Island showing proposed location of critical habitat areas and pet restraint requirements" which is attached hereto and made part hereof), if the pets are controlled by voice command.
- B. At no time shall pets go into the dunes or pose a threat to pedestrians, cyclists, or other pets. At no time shall pets be permitted to disturb marked turtle nests or interfere with shorebird nesting in the areas posted.
- C. No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

¹ Amended by Ordinance 99-2. Effective 3/9/99.

² Amended by Ordinance 2009-6. Effective 9-1-09.

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CHAPTER 6

CRITICAL HABITAT AREAS

Section	16-601	Importance of Critical Habitat Areas
Section	16-602	Designation of Critical Habitat Areas ¹
Section	16-603	Town Assistance for Area Identification ²
Section	16-604	Restriction of Pedestrian, Vehicular and Other ³
		Traffic in Critical Habitat Areas
Section	16-605	Signage

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

² Amended by Ordinance 2006-9. Effective 12-05-2006.

³ Amended by Ordinance 2006-9. Effective 12-05-2006.

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CHAPTER 6

CRITICAL HABITAT AREAS

Section 16-601 Importance of Critical Habitat Areas

Kiawah Island beaches and dunes provide habitat for a variety of plant and animal species, including species that may be designated as threatened, endangered or otherwise protected. Kiawah Island beaches also provide important nesting habitat for sea turtles. The State of South Carolina and the Town of Kiawah Island have determined that the protection of natural resources and critical habitats is of significant public interest.

Section 16-602 Designation of Critical Habitat Areas¹

Critical Habitat Areas are defined as those areas identified by the South Carolina Department of Natural Resources (SCDNR), United States Fish and Wildlife Service (USFWS), and other natural resource agencies as providing active nesting areas, active areas of critical food sources, or specific habitat areas for endangered or threatened species.

When critical habitat areas are identified, all sections of this Chapter shall apply.

Section 16-603 Town Assistance for Area Identification²

The Town of Kiawah Island, or its designated representative, shall assist the SCDNR, USFWS, and other natural resource agencies in the identification and mapping of critical habitat areas. This shall include monitoring usage of critical habitat areas and making recommendations to the appropriate agencies as to when the areas can be unlisted.

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

² Amended by Ordinance 2006-9. Effective 12-05-2006.

**Section 16-604 Restriction of Pedestrian, Vehicular and ¹
Other Traffic in Critical Habitat Areas**

When critical habitat areas are designated, the Town of Kiawah Island shall restrict pedestrian, vehicular and other traffic in the critical habitat areas, as recommended by the SCDNR, USFWS, and other natural resource agencies. This may include a partial or total restriction on all traffic in those areas. Pets in critical habitat areas are subject to the provisions stated elsewhere herein.

Section 16-605 Signage

When critical habitat areas are designated, the Town of Kiawah Island shall post appropriate signs around the habitat areas. Signs shall be one of two types, as listed below:

- a. Critical Habitat Area - Leash Law in effect beyond this point
- b. Critical Habitat Area - No trespassing beyond this point from (insert date here) - Leash Law in effect

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

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CHAPTER 7

THREATENED AND ENDANGERED SPECIES

Section	16-701	Identification of Protected Species ¹
Section	16-702	Protection of Threatened and Endangered Species

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

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CHAPTER 7

THREATENED AND ENDANGERED SPECIES

Section 16-701 Identification of Protected Species¹

Section 4.1 of the Updated Town of Kiawah Island Local Comprehensive Beach Management Plan indicates that several species in South Carolina have been classified as threatened, endangered or of special concern by state and federal agencies. Thus far, census and management efforts on Kiawah Island have concentrated on the Loggerhead turtle and Piping Plover. In order to protect threatened and endangered species and species of special concern, the Town of Kiawah Island may assist the South Carolina Department of Natural Resources, United States Fish and Wildlife Service, and other natural resource agencies with identification and mapping of important habitat areas along the Kiawah Island shoreline.

Section 16-702 Protection of Threatened and Endangered Species

The Town of Kiawah Island has adopted several Chapters of the Municipal Code that will serve to protect threatened and endangered species. These include: beach lighting regulations, beach traffic regulations, erosion control regulations, a leash law and regulations to protect critical habitat areas.

In addition to the regulations contained in these Chapters of the Municipal Code, the Town of Kiawah Island shall encourage the completion of all erosion control, inlet management and dune restoration activities during the period November 1 to May 14. In cases where such activities must take place between May 15 and October 31, the Town shall work closely with property owners and natural resource agencies to insure adverse impacts on threatened and endangered species are eliminated or reduced to the extent possible.

¹ Amended by Ordinance 2006-9. Effective 12-05-2006.

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CHAPTER 8

BEACH AND BEACH RECREATION AREA REGULATIONS

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¹ Created by Ordinance 2008-1. Effective 5-6-2008.

ARTICLE 16

BEACH MANAGEMENT

CHAPTER 8

BEACH AND BEACH RECREATION AREA REGULATIONS

Section 16-801 Littering on the Beach/Dune Area Prohibited

It shall be unlawful for any person to throw or leave any trash, rubbish or other debris of any kind whatsoever on the beach/dune area seaward of the 40-year OCRM setback line unless such trash, rubbish or other debris is deposited in a receptacle placed on the beach seaward of the 40-year OCRM setback line for that purpose.

Section 16-802 Negligent Operation of Vessels

- (a) "Vessel" shall mean every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.
- (b) No person may use any motor boat, boat or vessel or manipulate any water skis, aquaplane, surfboard or similar device in a negligent manner so as to endanger the life, limb, or property of any person.
- (c) No person may use any motor boat, boat or vessel, or use any water skis, aquaplane, surfboard or similar device while under the influence of alcohol, any narcotic drug, barbiturate, marijuana, or hallucinogen.

Section 16-803 Launching or Retrieving of Vessels Restricted

- (a) No person shall launch or retrieve a vessel, excluding sailboats, surfboards, rafts, inner tubes or similar devices, anywhere on the beach seaward of the mean high water mark, except in case of emergency.
- (b) No person shall propel or cause to move any vessel, except sailboats, surfboards, rafts, inner tubes or similar devices from the water onto the sand beach above mean low water anywhere on the beach seaward of the mean high water mark, except in case of emergency.

Section 16-804 Para-Sailing Prohibited

No para-sailing operation shall be permitted within the jurisdiction of the Town.

Section 16-805 Overnight Storage of Beach Equipment Prohibited

Unless the Town grants special permission, it shall be unlawful for any person to leave overnight on the beach seaward of the OCRM 40-year setback line, including under dune walkovers, items of any kind whatsoever. These items include, but are not limited to, tents, tent frames, beach chairs, beach umbrellas, clothing and toys.

Section 16-806 Public Nudity Prohibited

It shall be unlawful for any person to appear or travel on the beach seaward of the mean high water mark in a state of nudity. A person shall be in a state of nudity when his or her clothing or absence of clothing uncovers or exposes to public view his or her genitals, pubic area, or the nipple or any portion of the areola of the human female breast. This shall not apply to persons younger than thirteen (13) years of age.

Section 16-807 Limitations on Public Disrobing

No person shall disrobe, undress, dress or change his or her clothes in public view such that he or she may be found to be in a state of public nudity.

Section 16-808 Overnight Sleeping on the Beach Prohibited

No person shall sleep on the beach seaward of the OCRM 40-year setback line between the hours of 10:00 p.m. and 8:00 a.m.

Section 16-809 Reserved

Section 16-810 The Wildlife and Marineline

In addition to any other applicable State or Federal laws, no person shall physically harm, harass or otherwise disturb any sea turtle (including eggs and hatchlings), marine mammals or any sea bird (including eggs and young). Beached or stranded sea turtles, whales or dolphins, shall be reported immediately to the Town.

Section 16-811 Fires on the Beach Restricted

No person shall build or start a fire on the beach except as permitted by the Town. (See Section 15-101 of this Code for further regulations regarding this activity.)

Section 16-812 Fireworks on the Beach Restricted

No person shall discharge fireworks on the beach seaward of the OCRM 40-year setback line, except by permit from the Town. (See Section 15-209 of this Code for further regulations regarding this activity.)

Section 16-813 Breaching of the Peace Prohibited

No person shall appear on the beach seaward of the OCRM 40-year setback line in a grossly intoxicated condition or otherwise conduct himself in a disorderly or boisterous manner or use obscene or profane language on the beach seaward of OCRM 40-year setback line.

Section 16-814 Commercial Activities Restricted

No person shall sell or offer for sale any goods or merchandise, or solicit any trade or business on the beach seaward of the OCRM 40-year setback line, except under license from the Town.

Section 16-815 Power to Recall Swimmers

The duly appointed Code Enforcement Officers of the Town shall have the power and authority to recall from the waters adjoining the beach any person who, in their discretion, shall be in danger of drowning or becoming imperiled, or who may imperil the safety of others, or when the condition of wind, water, weather or any hazard, including the physical and mental condition of the person in the water, shall be such as to constitute a danger to the health, life, or safety of that person, rescue personnel or other persons within the waters.

Section 16-816 Fines and Penalties

Unless a different penalty is specified, any person who violates a provision of this title is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars

(\$25.00) nor more than two hundred dollars (\$200.00) or imprisoned for not less than ten (10) days nor more than thirty (30) days. (Section 50-1-130 of the SC Code of Laws, 1976).

**Section 16-817 Organized Functions and Special Events
Restricted**

Organized functions and special events shall be held on the beach seaward of the OCRM 40-year setback line only as permitted by the Town pursuant to administrative regulations as promulgated by the Town.

Section 16-818 Glass Containers and Products Prohibited¹

It shall be unlawful for any person to use glass containers of any kind on the beach of Kiawah Island. Glass containers shall include but not be limited to glass bottles, drinking glasses, etc.; provided however, this prohibition does not include glass baby bottles or glass baby food jars if disposed of properly. Beach shall include that area as defined in 16-102 of the Municipal Code and extend into the waters of the Atlantic Ocean for a distance of 100 yards; provided, however, this prohibition shall not apply to persons operating boats in the area of waters described herein. Penalties for violation of this Section shall be as provided for in Sections 15-501 and 15-502 of the Municipal Code.

¹ Created by Ordinance 2008-1. Effective 5-6-08.