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TIDELANDS MANAGEMENT

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CHAPTER 1

DEFINITIONS

Section 17-101 Definitions

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CHAPTER 1

DEFINITIONS

Section 17-101 Definitions

- A. Bulkhead - a retaining wall designed to retain fill material, but not to withstand wave forces on an exposed shoreline.
- B. 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
- C. Coastal zone B 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.
- D. Construction placard B sign issued by authorizing entities to be posted at the construction site and visible from the road
- E. Critical areas B 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.
- F. Critical Line B the jurisdictional boundary of the critical area as determined by OCRM staff. Typically this line is coincident with the line of the escarpment.
- G. Department B the South Carolina Department of Health and Environmental Control (also referred to as SCDHEC).
- H. Erosion B wearing away of highland by tidal action
- I. Escarpment B the point at which the high land descends in a vertical or near vertical slope to mean low water
- J. Highland B land above mean high water (upland)
- K. Mean High Water Mark B 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.

L. Mean Low Water Mark B 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.

M. OCRM B the South Carolina Department of Health and Environmental Control=s Office of Ocean and Coastal Resource Management.

N. Revetment B a sloping structure built along an escarpment or in front of a bulkhead to protect the shoreline or bulkhead from erosion.

O. Tidelands B 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.

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CHAPTER 2

BANK RETENTION SYSTEMS

Section	17-201	Simultaneous Application Submittal Required ¹
Section	17-202	Permitting Specifications and Procedures ²
Section	17-203	Penalties ³

1 Amended by Ordinance 2009-8. Effective 9-1-09.

2 Amended by Ordinance 2009-8. Effective 9-1-09.

3 Amended by Ordinance 2009-8. Effective 9-1-09.

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CHAPTER 2

BANK RETENTION SYSTEMS

Section 17-201 Simultaneous Application Submittal Required⁴

A property owner or his designate who wishes to apply for a permit to construct a bulkhead or revetment on marshlands or creeks within the limits of the Town of Kiawah Island must submit simultaneously and immediately to the Town's Administrator a complete copy of the application and all referenced exhibits and attachments thereto, including any subsequent amendments to such application with all attachments thereto, submitted to DHEC as required by law.

Section 17-202 Permitting Specifications and Procedures⁵

During the DHEC application review process, the Town of Kiawah Island may review the design and submit comments and recommendations.

Section 17-203 Penalties⁶

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 more than thirty (30) days.

Violation of State laws may also apply. As found in Section 48-39-170 of the SC Code of Laws, any person found guilty of violation of the Act shall be punished by imprisonment of not more than six (6) months or by a fine of not more than five thousand dollars (\$5,000.00), or both for the first offense; and by imprisonment of not more than one (1) year or by a fine of not more than ten thousand dollars (\$10,000.00), or both, for each subsequent offense. In lieu of or in addition to any civil fine, the Department may employ other means of enforcement resolution, including but not limited to mitigation or supplemental restoration/enhancement activities.

4 Amended by Ordinance 2009-8. Effective 9-1-09.

5 Amended by Ordinance 2009-8. Effective 9-1-09.

6 Amended by Ordinance 2009-8. Effective 9-1-09.