

TOWN OF KIAWAH ISLAND

ORDINANCE 2025-09

AN ORDINANCE TO REPEAL AND REPLACE ARTICLE 16 – BEACH MANAGEMENT

WHEREAS, the Town of Kiawah Island Code of Ordinances currently contains Article 16 – Beach Management; and

WHEREAS, the Town of Kiawah Island now finds that, upon further review, it is in the public interest to repeal and replace Article 16 - Beach Management to promote the safe and responsible recreational use of the Town’s beaches, marine resources and environs, and to prohibit uses and activities that would interfere with or impede normal recreational uses, adversely impact wildlife and the environment, or endanger members of the public; and

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COUNCIL OF THE TOWN OF KIAWAH ISLAND, SOUTH CAROLINA, AND IT IS ORDAINED BY THE AUTHORITY OF SAID COUNCIL.

Section 1 Purpose

The purpose of this Ordinance is to repeal and replace Article 16 – Beach Management.

Section 2 Ordinance

The Town hereby repeals Article 16 – Beach Management and replaces it as shown in the attached “**Exhibit A.**”


Section 3 Severability

If any part of this Ordinance is held to be unconstitutional, it shall be construed to have been the legislative intent to pass said Ordinance without such unconstitutional provision, and the remainder of said Ordinance shall be deemed to be valid as if such portion had not been included. If said Ordinance, or any provisions thereof, is held to be inapplicable to any person, group of persons, property, kind property, circumstances, or set of circumstances, such holding shall not affect the circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances

Section 4 Effective Date and Duration

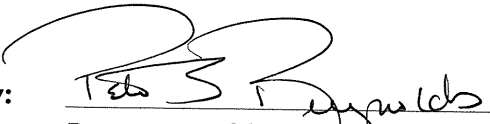
This Ordinance shall be effective upon its enactment by the Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 3RD DAY OF JUNE 2025.



Bradley D. Belt, Mayor

ATTEST:

By: 

Petra Reynolds, Town Clerk

1st Reading: May 6, 2025

2nd Reading: June 3, 2025

Article 16 – BEACHES AND WATERWAYS

CHAPTER 1. - BEACHFRONT JURISDICTION AND MANAGEMENT

Sec. 16-101 - Purpose

This chapter is adopted to promote the safe and responsible recreational use of the Town's beaches, marine resources, and environs, and to prohibit uses and activities that would interfere with or impede normal recreational uses, adversely impact wildlife and the environment, or endanger members of the public.

Sec. 16-102 – Town Jurisdiction

S.C. Code Section 5-7-30 confers upon municipalities the authority to adopt regulations and ordinances and exercise police powers to protect the health, safety, and welfare of its citizens and visitors within the Town municipal limits and grant franchises for the use of public beaches. Section 5-7-140 extends municipal police powers one mile seaward of the high tide line and to the low water mark of any navigable body of water other than the Atlantic Ocean (or the middle of such body of water). Section 5-7-145 authorizes municipalities to enact and enforce beach safety regulations within its jurisdictional limits. Section 48-39-350 directs local governments to enact a comprehensive beach management plan consistent with and meeting the requirements of the SC Beachfront Management Reform Act.

Sec. 16-103 - Plan adopted

The updated 2020 Comprehensive Beach Management Plan for the Town of Kiawah Island is hereby adopted by reference as if fully set forth herein and shall constitute the Town's Comprehensive Beach Management Plan in accordance with applicable South Carolina Law.

CHAPTER 2. - DEFINITIONS

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Active Beach means the area seaward of the toe of the Primary Dune or escarpment.

Artificial Light means any source of light, including both interior and exterior, emanating from a manmade device, including but not limited to: incandescent, mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, streetlights, construction or security lights.

Beach is inclusive of (1) those lands subject to periodic inundation by tidal and wave action so that no non littoral vegetation is established, (2) those areas 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, (3) those areas between the mean high-water mark extending landward to the toe of the Primary Dune from Captain Sam's Inlet

in the west to the northernmost portion of Little Bear Island in the east, and (4) those areas from the mean low-water mark for a distance of 300 yards into the waters of the Atlantic Ocean.

Beach and Dune System means the Beach and Dune collectively.

Beach Walkover means a structure designed to provide pedestrian access from either private homes, community access points, or adjacent streets to the beach, typically consisting of a wooden boardwalk structure, stairs, ramps, or a combination thereof.

Community Beach Walkovers means those serving regimes, clubs, associations, commercial entities, or the general public, intended to provide high-volume access to the beach.

Critical Habitat are environs designated by the Town that provide essential foraging, roosting, and nesting habitat for endangered or threatened species.

Dawn means 30 minutes before sunrise.

Dune(s) is inclusive of the Primary Dune and all dunes seaward of the Setback Line.

Dusk means 30 minutes after sunset.

Leash is a physical lead, not longer than 16 feet, that is made of material sufficient to effectively restrain the pet. Electronic collars do not constitute a leash.

New Development means and includes new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.

Nuisance refers to any behavior or activity of a pet that can reasonably be considered threatening, dangerous, or persistently disruptive to other pets, wildlife, or humans.

On Leash means that a physical restraint is secured to the animal's collar or harness and continuously held by a competent person physically capable of restraining the animal.

Point Source means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

Primary Dune means a dune which constitutes the front row of dunes adjacent to the Atlantic Ocean, has a minimum height of thirty-six (36) inches as measured vertically from the crest to the toe of the dune, and forms a nearly continuous line for five hundred (500) shore parallel feet.

Setback Line means the line set by the South Carolina Department of Environmental Services - Bureau of Coastal Management (SCDES - BCM) that delineates the boundary within which the state has direct permitting authority for activities in the beach/dune system.

Shading Coefficient means a coefficient expressing that percentage of the incident radiation which passes through the window as heat.

Special Management Zone means a designated section of the beach that is vulnerable to storm surge and over wash. These areas typically have limited secondary dune protection.

Suitable Nesting Habitat are environs designated by the Town that contain the physical or biological features conducive to shorebird nesting and/or have historically been utilized for nesting.

Tinted or Filmed Glass means window glass which has been covered with window tint or film such that the material has a Shading Coefficient of 0.45 or less.

Under Control is a pet that is closely supervised, kept within sight, and under voice control, ensuring the safety and well-being of both the pet and the surrounding community.

(Code 2004, § 5.7.20; Ord. No. 1991-03, 7-11-1991; Ord. No. 2015-02, § I, 7-28-2015)

CHAPTER 3. - BEACH AND DUNE SYSTEM

Sec. 16-301 – Beach and Dune Protection

No building, fence, or other structure shall be erected, placed or altered within the Beach and Dune System unless permitted by the Town and until all applicable state and federal permits have been issued. Mitigation may be required as a condition of any permit granted.

Sec. 16-302 – Dune Alteration

No person shall alter, destroy or remove any portion of the Dune or vegetation thereon unless permitted by the Town and until all applicable state and federal permits have been issued.

Sec. 16-303 – Pedestrian Traffic in Dunes

No person shall walk on any portion of the Dunes other than via Beach Walkovers, existing, non-vegetated foot paths in front of Beach Walkovers, other designated beach access points, unless on official business.

Sec. 16-304 – Shoreline Alteration

No alterations shall be made to the natural shoreline, inlet location, or to existing natural beach elevation unless permitted by the Town and until all applicable state and federal permits have been issued.

Sec. 16-305 - Vehicle Use

(a) No vehicle, to include electric-assist bicycles and any other mode of transportation that is propelled by a motor or any other battery- assisted devices, including but not limited to, battery-assisted motorized skateboards or battery-assisted motorized mono-wheel skateboards, shall be driven or operated on the Beach and Dune system of Kiawah Island, except as authorized below:

(1) Emergency vehicles.

(2) Town and other authorized government vehicles.

- (3) Vehicles used in the turtle monitoring program.
 - (4) Vehicles used to conduct Town-approved beach surveys.
 - (5) Vehicles used in conjunction with Town contracts, concessions, franchise agreements, or operation agreements.
 - (6) Kiawah Island Community Association security and maintenance vehicles.
 - (7) Small open motorized vehicles and medical devices may be operated by, or for the benefit of, individuals who have a physical or mental disability which is recognized by state or federal law, and which would otherwise preclude their use and enjoyment of the beach.
 - (8) Any other vehicles deemed essential by the Town.
- (b) Except in cases of an emergency, vehicles which are authorized to be driven or operated on the beach shall comply with the following requirements:
- (1) Vehicles shall be operated so as not to endanger or unreasonably disturb beachgoers, wildlife or marine life, and designated critical habitat areas, including shorebird and turtle nesting areas.
 - (2) Vehicles shall not exceed a speed of fifteen miles per hour.
 - (3) Vehicles shall be operated on the wet sand when possible.
 - (4) Vehicles shall not be driven onto or within any Dune or vegetated area.
 - (5) Vehicles shall enter the beach only from designated vehicle access points.
 - (6) Vehicles shall be equipped with four-wheel drive.
 - (7) Vehicle operators must obtain a beach driving certification from the Town.

Sec. 16-306 - Digging on the Beach and Dune

- (a) No person shall dig any hole to a depth of greater than 12 inches on the Beach.
- (b) No person shall possess a metal shovel of any type within the Beach and Dune System.
- (c) Anyone digging a hole or creating a sand structure must restore the sand to its natural condition either before leaving the beach or no later than 30 minutes prior to sunset.
- (d) Exceptions: (1) Authorized personnel and (2) sponsored KICA, KIGR, KI Club or Town events. All holes created shall be filled at the end of the event.

Sec. 16-307 – Discharge on the Beach

Outfalls or other means of direct discharge onto the Beach are prohibited.

CHAPTER 4 - WILDLIFE AND MARINE LIFE

Section 16-401 – Wildlife and Marine Life Protection

In addition to any other applicable state or federal laws, no person shall physically harm or harass sea turtles (including eggs, nests, and hatchlings), marine mammals, or any seabird or shorebird (including eggs, nests, and young).

- (a) For the purpose of this section, the term "harass" shall mean any act that has the potential to harm or otherwise disturb by disrupting behavioral patterns, including, but not limited to: migrating, breeding, feeding, or roosting.
- (b) Nothing herein shall preclude or otherwise limit the activities of any individual, employee, group, or organization which has been duly authorized by an agency or department of the Town, state, or federal government.

CHAPTER 5 - CONTROL OF PETS

Sec. 16-501- Control of Pets on the Beach and Dune System

- (a) Pets are not permitted in Critical Habitat.
- (b) Pets are not permitted on any portion of the Dunes. Pets shall traverse the Dunes via Beach Walkovers, existing non-vegetated foot paths in front of Beach Walkovers, or other designated beach access points.
- (c) Pets are required to be on leash at all times on the beach, except for the locations and time periods specified below:
 - (1) Dog Use Area: Owners may unleash their pets year-round between dawn and dusk in the Dog Use Area which is marked with signage and includes the Beach between the Kiawah East Beach Club and the Ocean Course vehicular access. The pet must be under control, shall not be a nuisance, and the owner/handler must have a leash in their possession. When Suitable Nesting Habitat is identified within the Dog Use Area, the leash restriction in (d) applies.
 - (2) Seasonal Dog Use Area: Owners may unleash their pets from October 16 through February 28 between dawn and dusk in all areas of the beach except those areas designated as Critical Habitat. The pet must be under control, shall not be a nuisance, and the owner/handler must have a leash in their possession.
- (d) Pets must be on leash seaward of any area designated as Suitable Nesting Habitat during shorebird nesting season, during a period no longer than April 1 to July 1

(Code 1993, § 16-502; Ord. No. 99-2, 3-9-1999; Ord. No. 2009-06, § 2(1), 9-1-2009; Ord. No. 2001-2, 3-13-2001; Ord. No. 2010-05, § 2, 8-30-2010; Ord. No. 2013-04, § 2, 5-7-2013; Ord. No. 2014-08, § 2, 8-5-2014)

CHAPTER 6 – CRITICAL HABITAT AND SUITABLE NESTING HABITAT

Sec. 16-601 - Designation of Critical Habitat

Critical Habitat includes all portions of the Beach and Dune System (1) west of the Critical Habitat sign located 800 yards west of Beachwalker County Park and (2) east of the Ocean Course Golf Course vehicular access.

Sec. 16-602 - Designation of Suitable Nesting Habitat

Suitable Nesting Habitat areas may be designated by the Mayor during shorebird nesting season (April 1 to July 1) based on written recommendations from the Town’s Environmental Department. The recommendation shall explain in reasonable detail the evidence supporting the recommendation and shall be posted on the Town’s website. Any such designation shall be limited in time and area reasonably required to protect nesting shorebirds.

CHAPTER 7 - BEACH LIGHTING FOR SEA TURTLE PROTECTION

Sec. 16-701 - New Development

- (a) Exterior Light Fixtures shall be shielded so that no light illuminates the Beach and the Point Source is not visible from the Beach.
- (b) Tinted or Filmed Glass shall be used in windows visible from the Beach.
- (c) Temporary lights at construction sites shall not be mounted more than 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 or shall the Point Source be visible from the Beach. Lights shall be turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.
- (d) Pool lighting shall be installed so that those lights do not illuminate the Beach and no Point Source is visible from the Beach.

(Code 1993, § 16-103; Ord. No. 2001-2, 3-13-2001; Ord. No. 2019-01, § 2, 3-5-2019)

Sec. 16-702 - Exemptions for New Development

The provisions of section 16-701 shall not apply to any structure for which a building permit has been issued by the Town prior to March 5, 2019.

(Code 1993, § 16-104; Ord. No. 2001-2, 3-13-2001; Ord. No. 2019-01, § 2, 3-5-2019)

Sec. 16-703 - Existing Development

- (a) Exterior Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened so that those lights do not illuminate the Beach and no Point Source is visible from the Beach or turned off from 9:00 p.m. until dawn during the period of May 1 to October 31 of each year.

(Code 1993, § 16-105; Ord. No. 2001-2, 3-13-2001; Ord. No. 2019-01, § 2, 3-5-2019)

Sec. 16-704 - Individual Use of Lights

Use of unfiltered lights (any color spectrum except red), including but not limited to flashlights, bike lights, head lamps, cellular phones, and cameras, are prohibited on the Beach and Dune System from 9:00 pm until dawn during the period of May 1 to October 31 of each year.

(Ord. No. 2019-01, § 2, 3-5-2019)

Sec. 16-705 - Organized Functions and Special Events

The illumination from beachfront organized functions or special event lighting shall not spread beyond the boundary of the property and shall not illuminate the Beach nor shall the Point Source be visible from the Beach. No organized functions or special events shall take place on the Beach and Dune System between dusk and dawn during the period of May 1 to October 31 of each year, without approval of the Town.

(Ord. No. 2019-01, § 2, 3-5-2019)

CHAPTER 8 – BEACH WALKOVERS

Sec. 16-801 – State Requirements Adopted

All Beach Walkovers must be constructed in accordance with the South Carolina Department of Environmental Services - Bureau of Coastal Management (SCDES - BCM) requirements as set forth in the South Carolina Code of State Regulations, R 30-13(O)(1) and the Town hereby adopts and incorporates these regulations as a part of this Article.

Sec. 16-802 – Permit Required

Construction, major repair or modification of any Beach Walkover requires a permit from the Town. A permit is not required for maintenance projects to replace railings or decking if there is no excavation or movement of sand on the Beach and Dune System.

Sec. 16-803 – Special Management Zones

Special Management Zones shall be established by the Town to protect sections of the beach that are vulnerable to tidal intrusion due to limited dune protection. Special Management Zones will be designated by the Mayor when appropriate, based on recommendations from the Town's Environmental Department.

Sec. 16-804 – State of Disrepair

Beach Walkovers shall be maintained in a state of good repair. This applies only to the portion of the walkover on the Active Beach. The Town will conduct periodic inspections, typically in May and after storm events, and shall notify the property owner that the said Beach Walkover is in violation. Owners must bring said walkover into compliance within 30 days of notification. Should said owner fail to repair and/or remove the unsafe portion from the identified Beach Walkover within the 30-day time limit, the Town shall be authorized to modify the identified Beach Walkover and file a real property lien against said owner's

property for the costs associated with such removal or modification including reasonable attorney fees.

Sec. 16-805 – Walkovers Extending onto the Active Beach

Beach Walkovers may not extend more than ten feet onto the active beach. The Town will conduct periodic inspections, typically in May and after storm events, and shall notify the property owner that the said Beach Walkover is in violation. The Town may, at its discretion, choose not to enforce this section after storm events in which the beach is expected to quickly recover and bring the Beach Walkover naturally back into compliance. The owner must submit their remediation plans within 30 days of notification. Once approved, the owner will have 90 days to cut off the boardwalk and remove the debris from the beach. Should the owner choose to rebuild, the normal approval process for a new Beach Walkover will be followed. Should said owner fail to modify the identified Beach Walkover within the 90-day time limit, the Town shall be authorized to modify the identified Beach Walkover and file a real property lien against said owner's property for the costs associated with such removal or modification including reasonable attorney's fees.

Sec. 16-806 – Community Walkovers Terminating Landward of the Active Beach

Owners of existing Community Beach Walkovers terminating more than 20 feet landward of the active beach shall be notified by the Town to make corrections and extend Beach Walkovers over the Primary Dune to the Active Beach. If the Beach Walkover is within a Special Management Zone, the Primary Dune height used to determine the Beach Walkover elevation shall be the average height of the Primary Dune thirty feet on either side of the Beach Walkover location. The owner must submit their remediation plans within 30 days of notification. Once approved, the owner will have 180 days to complete said remediation. Should said owner fail to extend and/or modify the identified Community Beach Walkover within the 180-day time frame, the Town shall be authorized to extend and/or modify said Community Beach Walkover and file a real property lien against said owner's property for the costs associated with such extension and/or modification including reasonable attorney's fees.

Sec. 16-807 – Special Management Zone Requirements

It is unlawful for the deck (the top surface of the wood planking) of any Beach Walkover located in a Special Management Zone to exist at an elevation below the Primary Dune height. The Primary Dune height shall be the average height of the Primary Dune thirty feet on either side of the existing Beach Walkover. Owners of existing Beach Walkovers in violation shall be notified by the Town to make corrections. The owner must submit their remediation plans within 60 days of notification. Once approved, the owner will have 180 days to complete said remediation. Should said owner fail to modify the identified Beach Walkover within the 180-day time frame, the Town shall be authorized to levy fines up to \$100 per day.

Sec. 16-808 – Construction Timing

Beach Walkovers shall not be constructed during the time period from May 1 to October 31 in order to protect sea turtle nests and hatchlings. This seasonal restriction does not apply to Beach Walkover maintenance projects to replace railings or decking if there is no excavation or movement of sand on the Active Beach. The time frame requirements set forth in this section shall not accrue during this time period.

Sec. 16-809 - Exceptions

The Town may grant an extension or modification to the above date and time frames to owners of Beach Walkovers in the event of extenuating circumstances.

CHAPTER 9 – GENERAL BEACH REGULATIONS

Section 16-901 - Littering Prohibited

No person shall leave, or cause or permit to be left, any glass, bottle, glassware, can or pieces thereof, cigarette or cigar butts, or any garbage, waste, litter, trash, debris or refuse of any kind on the beach or dune system or within the waters adjacent to the beach.

Section 16-902 – Prohibited Items

All single-use plastic carryout bags, all plastic straws, all polystyrene/plastic foam products, glass containers, and all balloons are prohibited from possession or use on the Beach (Sec 14-402 (e)).

Sec. 16-903 - Glass Containers and Products; Permitted Exceptions

Glass containers of any kind are prohibited on the Beach and Dune System, unless permitted by the Town for organized events.

Sec. 16-904 – Launching, Operating or Retrieving of Vessels Restricted

- (a) No person shall launch or retrieve a vessel, excluding hand-launched sailboats, surfboards, kayaks, paddleboards, rafts, inner tubes or similar devices, anywhere on the Beach and Dune System, except in case of emergency.
- (b) No person shall propel or cause to move any vessel, except hand-launched sailboats, kayaks, paddleboards, surfboards, rafts, inner tubes or similar devices within the Beach and Dune System, except in case of emergency.
- (c) The above provisions shall not apply to the portion of the Beach along the Stono River from the northern tip of Little Bear Island extending 2300 yards to the south.

(Code 1993, § 16-803; Ord. No. 2001-2, 3-13-2001)

Sec. 16-905 - Overnight Storage of Beach Equipment Prohibited

No person shall leave overnight on the Beach and Dune System, including under Beach Walkovers, items of any kind whatsoever, unless permitted by the Town. These items include, but are not limited to, tents, tent frames, beach chairs, beach umbrellas, clothing, and toys.

(Code 1993, § 16-805; Ord. No. 2001-2, 3-13-2001)

Sec. 16-906 - Public Nudity Prohibited

It shall be unlawful for any person to appear or travel on the Beach and Dune System in a state of nudity.

(Code 1993, § 16-806; Ord. No. 2001-2, 3-13-2001)

Sec. 16-907 - Fires Restricted

No person shall build, start, ignite or maintain a fire or open flame, or use any propane-fired grill, cooker, or heating device heated by fire on the Beach and Dune System except by permit from the Town

(Code 1993, § 16-811; Ord. No. 2001-2, 3-13-2001)

Sec. 16-908 - Fireworks Restricted

No person shall use, fire, shoot, discharge, or ignite fireworks on the Beach and Dune System, except by permit from the Town (See section 15-209 for further regulations regarding this activity).

(Code 1993, § 16-812; Ord. No. 2001-2, 3-13-2001)

Sec. 16-909 - Breaching of the Peace Prohibited

No person shall appear on the Beach and Dune System in a grossly intoxicated condition or otherwise conduct themselves in a disorderly or boisterous manner.

(Code 1993, § 16-813; Ord. No. 2001-2, 3-13-2001)

Sec. 16-910 - Commercial Activities Restricted

No person shall sell or offer for sale any goods or merchandise or solicit any trade or business on the Beach and Dune System, except under license or written agreement from the Town.

(Code 1993, § 16-814; Ord. No. 2001-2, 3-13-2001)

Sec. 16-911 - 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.

(Code 1993, § 16-815; Ord. No. 2001-2, 3-13-2001)

Sec. 16-912 - Organized Functions and Special Events

Organized functions and special events on the Beach and Dune System are prohibited except by permit from the Town.

(Code 1993, § 16-817; Ord. No. 2001-2, 3-13-2001) (Ord. No. 2013-03, § 2, 5-7-2013)

Sec. 16-913 - Overnight Sleeping Prohibited

No person shall sleep on the Beach and Dune System between the hours of 10:00 p.m. and 7:00 a.m.

(Code 1993, § 16-808; Ord. No. 2001-2, 3-13-2001)