



TOWN OF *Kiawah Island*

Mayor

Craig E. Weaver

Council Members

Jack Koach

Diana L. Mezzanotte

Chris Widuch

John R. Wilson

Town Administrator

Stephanie Monroe Tillerson

4475 Betsy Kerrison Parkway | Kiawah Island, SC 29455 | (843) 768-9166 | Fax (843) 768-4764 | www.kiawahisland.org

TOWN COUNCIL MEETING

Kiawah Island Municipal Center

Council Chambers

October 3, 2017; 2:00 PM

AGENDA

- I. **Call to Order:**
- II. **Pledge of Allegiance**
- III. **Approval of Minutes:**
 - A. Minutes of the Town Council Meeting of September 5, 2017 [Tab 1]
- IV. **Mayor's Update:**
- V. **Citizens' Comments (Agenda Items Only):**
- VI. **Presentation:**
 - A. Greene, Finney and Horton FY 2016/2017 Audit Presentation [Tab 2]
- VII. **New Business:**
 - A. Ordinance 2017-09 to amend Article 15, General Offenses, Chapter 8, Short –Term Rental Permit and Regulations – First Reading [Tab 3]
 - B. Ordinance 2017-19 to amend to Section 8-112, Yard Debris - First Reading [Tab 4]
 - C. Ordinance 2017-20 to add Section 16-409 prohibiting digging holes on the beach – First Reading [Tab 5]
 - D. Ordinance 2017-21 to amend Section 16-406, Beach Walkovers – First Reading [Tab 6]
 - E. Approval to Enter into a Contract with R.E. Goodson Construction for Emergency Beach/Dune Repair Services [Tab 7]
 - F. Approval of Town Administrator's Contract [Tab 8]
- VIII. **Other Business:**
 - A. 2017 Charleston Regional Hazard Mitigation Plan Executive Summary [Tab 9]
 - B. Update from Town Attorney on the Annual Employee Disclosure Statement – Ethical Conduct and Conflicts of Interest
- IX. **Town Administrator's Report:**
- X. **Council Member:**
 - a. Committee Updates
 - b. General Comments
- XI. **Citizens' Comments:**
- XII. **Executive Session:**

None
- XIII. **Adjournment:**

TOWN COUNCIL MEETING
Kiawah Island Municipal Center
Council Chambers
September 5, 2017; 2:00 PM

Minutes

I. Call to Order: *Mayor Weaver called the meeting to order at 2:00pm.*

II. Pledge of Allegiance

Present at the meeting: Craig Weaver, Mayor
John R. Wilson
Diana Mezzanotte
Jack Koach
Chris Widuch

Also Present: Stephanie Monroe Tillerson, Town Administrator
Dwayne Green, Town Attorney
Petra Reynolds, Town Clerk

III. Approval of Minutes:

A. Minutes of the Town Council Meeting of August 1, 2017

Mr. Widuch made a motion to approve the minutes of the August 1, 2017 Town Council Meeting. The motion was seconded by Mrs. Mezzanotte and the minutes were unanimously passed.

IV. Mayor's Update:

Mayor Weaver welcomed everyone to the second meeting held in the New Town Hall. Work is still in progress making final modifications.

Mayor Weaver indicated that with a Hurricane Irma threatening our area. The Town, Resort, and Community Associations are monitoring the storm, and meeting to make preparations for plans or actions that may have to be taken. Communications will be sent out to keep everyone up to date on any new information as it becomes available.

Mayor Weaver reminded everyone of the new Municipal Center dedication and open house which will be held on September 7th from 4:00 to 6:00 pm, with an additional open house will be on September 8th from 4:00 to 6:00 pm.

V. Citizens' Comments (Agenda Items Only):
None

VI. New Business:

Mayor Weaver stated both of the new business items were reviewed by the Ways and Means Committee and recommended to Town Council for approval.

A. Approval of the McSweeney Engineering Proposal for Bridge Repair Design and Shoreline Erosion Design and Permitting

Mr. Wilson made a motion to approve the McSweeney Engineering Proposal for Bridge Repair Design and Shoreline Erosion Design and Permitting in the amount not to exceed of \$28,200.00. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

B. Approval of the Crest Construction Proposal for Additional Construction on the Municipal Center Garage

Mr. Widuch made a motion to approve the Crest Construction Proposal for Additional Construction on the Municipal Center Garage in the amount of \$19,900.00. The motion was seconded by Mrs. Mezzanotte and was unanimously passed.

VII. Other Business:

None

VIII. Town Administrator's Report:

None

IX. Council Member:

- a. Committee Updates
- b. General Comments

Mr. Koach announced the resignation of Mr. Clawson from the BZA (Board of Zoning Appeals) and asked that advertisement of the opening be posted.

Mr. Widuch encouraged everyone to pick up a hurricane preparedness guide which will be available in the lobby.

Mr. Wilson reported on the Public Works Committee scheduled for September 18th at 10:00 am.

Mrs. Mezzanotte reported on current Arts Council events and stated that in mid to late October the Arts Council is preparing to send out surveys to property owners to help determine impact of the Arts Council programming in the Community, and also seeking suggestions on attracting a broader audience.

Mrs. Mezzanotte reported on the Sea Level Rise Subcommittee meeting with Mr. Marcy in the NOAA Office for Coastal Management. The meeting was to gain a better understanding of Kiawah's elevation profile and how it will be impacted by sea level rise.

Mrs. Mezzanotte reported the Audit Committee met with the auditors to discuss areas of risk that will be emphasized in this year's audit.

Mrs. Mezzanotte reported that as of last night, the land swap there was at 46% of quorum and still needs people to vote.

Mrs. Mezzanotte reported in environmental news:

- Beach Patrol issued an additional eighteen "dog off leash warnings" during August.
- Alligators:

- Code Enforcement issued another alligator feeding ticket last Friday in the amount of \$465.00
- No additional alligators have been removed
- Alligator calls and complaints have dropped dramatically during this month.

X. Citizens' Comments:

Wendy Kulick – 38 Marsh Edge Lane

Mrs. Kulick commented on an article in the Post and Courier on the Sea Island Comprehensive Health Care Fair which will be taking place later this month and chaired by the former Town Administrator. She expressed her annoyance that to date there had been no accountability. She stated that while Council has no control over what the US Attorney's office does, she wanted urged Council to do everything in its power to include a civil suit that was discussed at earlier meetings.

Mr. Green stated that the US Attorney is nearing the end of their investigation and have asked that information be kept confidential. Mayor Weaver added there is still a number of months before the expiration of the period to file a civil suit.

**XI. Executive Session:
None**

XII. Adjournment:

Mr. Widuch motioned to adjourn the meeting at 2:12 pm. The motion was seconded by Mrs. Mezzanotte and carried unanimously.

Submitted by,

Petra S. Reynolds, Town Clerk

Approved by,

Craig E. Weaver, Mayor

Date



TOWN OF
Kiawah Island
Comprehensive Annual Financial Report



Fiscal Year Ended June 30, 2017

Mayor
Craig Weaver

Council Members
John Wilson, Mayor Pro Tempore
John Koach
Diana Mezzanotte
Chris Widuch

Town Administrator
Stephanie Monroe Tillerson

Treasurer
Dorota Szubert



Request for Town Council Action

TO: Mayor and Town Council

FROM: Bruce D. Spicher

SUBJECT: New Chapter 8 title heading and ordinances 15-801, 15-802, 15-803

DATE: October 3, 2017

BACKGROUND:

The Town is charged with regulation enforcement of all rental properties excluding those properties that are rented for 14 calendar days or less based on an annual basis. An extensive review of Article 15 specifically Chapter 8 was conducted. The intent of the review was to see if a possibility existed to amend and present clarification to the aforementioned chapter. The conclusion of the review revealed that the language of the existing chapter was antiquated, redundant, and enforcement was impeded by the existing language, to the extent that a complete rewrite was warranted. Article 15, Chapter 8 "Rental Permit and Regulations", has been changed to Article 15, Chapter 8 "Rental Application and Regulations". All sections have been rewritten except for the first paragraph of Section 15-802.

ANALYSIS:

Recommended by Public Safety Committee

Outdated and redundant language removed

Language is condensed and clarified

New language added allowing for compliance with federal regulations, enforcement, and inspections of rental properties.

ACTION REQUESTED:

Adoption of Article 15, General Offenses, Chapter 8, Rental Application and Regulations, Sections 15-801, 15-802, 15-803, and 15-804.

Sec. 15-801 Rental Application Package (RAP)

- (a) The intent of these regulations is to promote public health, safety, and welfare and to discourage nuisance and behavioral issues associated with *all Residential Zoning Districts, R-1, R-E, R-2, and R-3.*
- (b) An owner or agent is required to obtain an annual Class 7 business license from the Town of Kiawah Island for each dwelling unit prior to renting any dwelling unit. A license is not transferable between owners. A change of ownership of the rental unit shall require the new owner or his agent to obtain a new license for the unit.
- (c) No owner or agent of a rental unit may advertise their unit which would result in a violation of this Chapter.
- (d) The Town of Kiawah Island Municipal Code Article 4, "Municipal Business Licenses" regulates all business licenses. The following additional regulations apply specifically to rental dwelling units:
 - (1) A "Rental Application Package (RAP) shall be prepared for each rental unit by the owner or his rental agent and placed on file with The Town of Kiawah Island. Signed Rental Residence Data Sheet shall be a legal and binding testimonial that all

Town ordinances and rental regulations shall be adhered to for the duration of the business license. A RAP shall be submitted with business license application.

- (2) A copy of Town rules and regulations applicable to rentals shall be attached to each rental contract.

Applicable rules and regulations provided in the RAP shall be the sole responsibility of the owners or agents of such units to notify and educate their guests. Owner or Agent must have a 24-hour hotline available for phone contact and have the number posted in each unit.

- (e) The applicant for a license shall complete page 5 (Rental Residence Data Sheet) of the Rental Application Package.
- (f) The maximum number of occupants permitted includes children of all ages. The standard for all rental dwelling units is based on two occupants per code compliant bedroom. Two other occupants can be added per dwelling unit. Therefore, a 4 BR rental unit shall have a maximum of 10 occupants. The number of bedrooms deemed to exist in a rental dwelling unit shall be based on Charleston County records. Should a rental business license applicant claim more bedrooms than shown in county records, he or she shall petition the Town of Kiawah Code Enforcement Officer in writing for review and determination prior to renting the unit. Such review will consider the additional bedrooms and/or conversions were carried out as per the building code requirements. Temporary conversion of rooms such as dining rooms, living rooms, studies, etc. for use as bedrooms for rental purposes is not permitted.
- (g) The maximum number of vehicles permitted for each single family dwelling unit shall be in accordance with Section 12-128 to include Table 4F of the Town of Kiawah Island Zoning Ordinance, in addition, a maximum of two vehicles shall be permitted to be parked single file in the driveway. All overnight parking shall be off-street, in a garage, on a paved driveway, on a platted driveway or, on a driveway bump-out. Should an applicant claim more bump-outs than shown in the original building plan documents, he or she shall petition the Charleston County Zoning Officer for review and determination. In all cases, unencumbered driveway access to structures must be maintained for fire department and other emergency vehicles. Driveways must allow emergency vehicles to within 25 feet of the unit.
- (h) Parking for villa units shall be in parking lots that are integral to the villa complex. Should cottages have no garage, and in some cases only a short driveway, overnight vehicle parking may be permitted under the dwelling unit and/or on the driveway in compliance with this chapter. Pickups greater than ½ ton, and cargo vans greater than 12 passengers, recreation vehicles (RVs), buses, trailers, boats and other large vehicles as defined, are prohibited from parking overnight. Vehicles shall not be used for sleeping or overnight accommodations.
- (i) All driveways for new rental applications are required to be inspected, and shall conform to the following.
- (1) The town of Kiawah Island Architectural Review Board regulations governing residential driveways.
 - (2) Prior to the issuance of a business license, all driveways shall be inspected by St. Johns Fire District to ensure compliance.
 - (3) Fire District requirements for single-family residential zoning districts (R-1, R-E, and R-2) require that driveway clearance for fire trucks be a minimum of 10 feet width for straight drives, and have a height clearance of 13.6 feet high.
 - (4) For safe conduct of operations, all single-family, villas and cottage rental dwelling units shall meet these requirements as a condition of qualifying for a business license.
 - (5) Existing driveways found to be in violation of Section 15-801 (i)(2) shall be granted thirty days to make necessary corrections. No business license shall be issued until the driveway is compliant.
 - (6) NONCOMPLIANCE - Any person who violates this ordinance shall be subject to fines in accordance with Section 15-802. Habitual noncompliance substantiated by the code enforcement officer designated by the Town of Kiawah Island will result in the loss of business license and shall forfeit owner's right to rent for the next calendar year.
 - (a) Exception: Dwellings available for rent for a period not to exceed 14-calendar days during a calendar year.

Sec. 15-802 Notice of rental residence rules and regulations

The town shall promulgate and distribute rules and regulations applicable to the rental of residential property. Further, an owner (or his agent) who rents residential property shall furnish a copy of the rules and regulations to each rental guest, and each rental guest shall acknowledge receipt of such rules and regulations. In addition, the owner (or his agent) shall post a copy of the rules and regulations in a clearly visible location within each rental unit. Any person convicted of violating this provision shall be subject to a fine of not less than \$100.00 nor more than \$500.00. Each day of violation shall be considered a separate offense.

- (a) The Town of Kiawah Island Municipal Code, Article 8 “Health and Sanitation,” regulates trash collection. Single family (R-1, R-E), Single family (R-2), and Cottage (R-2) rental dwelling units shall subscribe to backdoor trash collection two (2) times per week including recycling service. After emptying, trash containers shall be returned by the contractor to the “backdoor” or storage location. Trash receptacles shall be stored in an enclosed garage or approved screened enclosure whereby the receptacles are not visible from the street.

Villas (R-3 dwelling units) shall use provided dumpsters for trash disposal. Dumpster pickup service shall be sufficiently frequent to avoid trash overflow. Dumpsters shall be stored on an approved, screened pad.

- (b) Housekeeping / clean-up crews shall be responsible for removing their own trash, and shall not use the town provided waste receptacles for this purpose.
- (c) Bicycles, beach gear, and other personal articles shall not be visible from street side for all single-family dwellings, for multi-family dwellings these articles shall be placed in the appropriate storage location overnight and shall not be left in a driveway, yard, or parking lot. No articles of clothing, beach towels, or other items shall be draped over railings or deck chairs or be visible beyond property lines.

Villa complexes shall provide adequate bicycle racks for overnight bicycle storage. All other gear shall be stored indoors or in provided storage closets.

- (d) All rental units shall comply with The Town of Kiawah Island Municipal Code, Article 16, Chapter 1, Sections 16-101 to 16-106; which regulates beach lighting to protect sea turtle hatchlings.

Sec. 15-803 Business License

- (a) An owner (or his agent) shall apply to the town and obtain a business license for each calendar year that his residential property is used as a rental; provided, however, that the town shall not grant a business license until the following conditions are satisfied:
 - (1) The owner shall provide evidence sufficient to indicate that all solid waste collection fees have been paid in full.
 - (2) If the applicant is someone other than an owner, the applicant shall submit a copy of the owner's written authorization of his right to apply for the business license.
 - (3) The owner (or his agent) shall provide a written acknowledgement that a violation of the town's rental regulation provisions, by either the applicant, property manager or rental guest, shall be considered a violation by the owner.
 - (4) All rental properties shall remain complaint with the current edition of the International Property Maintenance Code. Rental properties will be subject to periodic inspections to ensure compliance. Random compliance inspections will be performed prior to the issuance of a Business License.
 - (5) A fire extinguisher meeting the requirements as a 1-A:10-B:C shall be mounted under the kitchen sink in all rental units.

Sec. 15-804 Appeals to Town Council

- (a) A person aggrieved by the town's decision to revoke or deny a business license may appeal the decision to Town Council. The appeal must be filed in writing within 30 calendar days after the revocation, suspension, or denial and it shall set forth a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension, or denial, pending a decision on the appeal by the Town Council.
- (b) Town council shall consider the appeal in an open hearing at a regular or special meeting within 30 calendar days after receipt of a request unless otherwise agreed to, in writing, by the town and the aggrieved party. Town Council shall prescribe the rules of evidence and testimony and the procedures applicable to the conduct of the hearing. All interested parties shall have the right to be represented by counsel, to present evidence and testimony, and to cross-examine witnesses. The proceedings shall be electronically recorded and transcribed at the expense of the party so requesting. Town Council shall render a decision by a majority vote of members present. The decision shall be in writing based upon findings of fact and the application of relevant standards. The decision shall be served upon all parties or their designated representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service.

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2017-09

AN ORDINANCE TO AMEND ARTICLE 15, GENERAL OFFENSES, CHAPTER 8, SHORT-TERM RENTAL PERMIT AND REGULATIONS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 15, General Offenses, Chapter 8, Short-Term Rental Permit and Regulations, Sections 15-801, 15-802, 15-803, and 15-804, and;

WHEREAS, the Town wishes to continue regulating the use of residential property as short term rentals, and;

WHEREAS, the Town wishes to amend the current sections relating to the regulation of residential property as short-term rentals.

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 15, General Offenses, Chapter 8, Short-Term Rental Permit and Regulations, Sections 15-801, 15-802, 15-803, and 15-804 with new language.

Section 2 Ordinance

The Town hereby repeals Article 15, General Offenses, Chapter 8, Short-Term Rental Permit and Regulations, Sections 15-801, 15-802, 15-803, and 15-804.

Article 15, General Offenses, Chapter 8, Rental Application and Regulations, Sections 15-801, 15-802, 15-803, and 15-804 is hereby created as follows:

Sec. 15-801 Rental Application Package (RAP)

- (a) The intent of these regulations is to promote public health, safety, and welfare and to discourage nuisance and behavioral issues associated with *all Residential Zoning Districts, R-1, R-E, R-2, and R-3*.
- (b) An owner or agent is required to obtain an annual Class 7 business license from the Town of Kiawah Island for each dwelling unit prior to renting any dwelling unit. A license is not transferable between owners. A change of ownership of the rental unit shall require the new owner or his agent to obtain a new license for the unit.
- (c) No owner or agent of a rental unit may advertise their unit which would result in a violation of this Chapter.
- (d) The Town of Kiawah Island Municipal Code Article 4, "Municipal Business Licenses" regulates all business licenses. The following additional regulations apply specifically to rental dwelling units:

(1) A "Rental Application Package (RAP) shall be prepared for each rental unit by the owner or his rental agent and placed on file with The Town of Kiawah Island. Signed Rental Residence Data Sheet shall be a legal and binding testimonial that all Town ordinances and rental regulations shall be adhered to for the duration of the business license. A RAP shall be submitted with business license application.

(2) A copy of Town rules and regulations applicable to rentals shall be attached to each rental contract.

Applicable rules and regulations provided in the RAP shall be the sole responsibility of the owners or agents of such units to notify and educate their guests. Owner or Agent must have a 24-hour hotline available for phone contact and have the number posted in each unit.

(e) The applicant for a license shall complete page 5 (Rental Residence Data Sheet) of the Rental Application Package.

(f) The maximum number of occupants permitted includes children of all ages. The standard for all rental dwelling units is based on two occupants per code compliant bedroom. Two other occupants can be added per dwelling unit. Therefore, a 4 BR rental unit shall have a maximum of 10 occupants. The number of bedrooms deemed to exist in a rental dwelling unit shall be based on Charleston County records. Should a rental business license applicant claim more bedrooms than shown in county records, he or she shall petition the Town of Kiawah Code Enforcement Officer in writing for review and determination prior to renting the unit. Such review will consider the additional bedrooms and/or conversions were carried out as per the building code requirements. Temporary conversion of rooms such as dining rooms, living rooms, studies, etc. for use as bedrooms for rental purposes is not permitted.

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beach towels, or other items shall be draped over railings or deck chairs or be visible beyond property lines.

Villa complexes shall provide adequate bicycle racks for overnight bicycle storage. All other gear shall be stored indoors or in provided storage closets.

- (d) All rental units shall comply with The Town of Kiawah Island Municipal Code, Article 16, Chapter 1, Sections 16-101 to 16-106; which regulates beach lighting to protect sea turtle hatchlings.

Sec. 15-803 Business License

- (a) An owner (or his agent) shall apply to the town and obtain a business license for each calendar year that his residential property is used as a rental; provided, however, that the town shall not grant a business license until the following conditions are satisfied:
- (1) The owner shall provide evidence sufficient to indicate that all solid waste collection fees have been paid in full.
 - (2) If the applicant is someone other than an owner, the applicant shall submit a copy of the owner's written authorization of his right to apply for the business license.
 - (3) The owner (or his agent) shall provide a written acknowledgement that a violation of the town's rental regulation provisions, by either the applicant, property manager or rental guest, shall be considered a violation by the owner.
 - (4) All rental properties shall remain compliant with the current edition of the International Property Maintenance Code. Rental properties will be subject to periodic inspections to ensure compliance. Random compliance inspections will be performed prior to the issuance of a Business License.
 - (5) A fire extinguisher meeting the requirements as a 1-A:10-B:C shall be mounted under the kitchen sink in all rental units.

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- (a) A person aggrieved by the town's decision to revoke or deny a business license may appeal the decision to Town Council. The appeal must be filed in writing within 30 calendar days after the revocation, suspension, or denial and it shall set forth a concise statement of the reasons for the appeal. Timely filing of an appeal shall stay the revocation, suspension, or denial, pending a decision on the appeal by the Town Council.
- (b) Town council shall consider the appeal in an open hearing at a regular or special meeting within 30 calendar days after receipt of a request unless otherwise agreed to, in writing, by the town and the aggrieved party. Town Council shall prescribe the rules of evidence and testimony and the procedures applicable to the conduct of the hearing. All interested parties shall have the right to be represented by counsel, to present evidence and testimony, and to cross-examine witnesses. The proceedings shall be electronically recorded and transcribed at the expense of the party so requesting. Town Council shall render a decision by a majority vote of members present. The decision shall be in writing based upon findings of fact and the application of relevant standards.

The decision shall be served upon all parties or their designated representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service.

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 Town Council for the Town of Kiawah Island.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ____ DAY OF _____, 2017.

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

___/___/2017 1st Reading

___/___/2017 2nd Reading



Request for Town Council Action

TO: Mayor and Town Council

FROM: Bruce D. Spicher, Building Official

SUBJECT: Amend Ordinance Section 8-112

DATE: August 29, 2017

BACKGROUND:

Currently there is not an ordinance prohibiting lawn service contractors from leaving yard debris curb side on occupied or vacant lots.

ANALYSIS:

Amend Ordinance Section 8-112 to reflect the following:

Current Ordinance:

- **Sec. 8-112. - No trees or large tree pruning's.**

The collector shall not collect trees or shrub and tree pruning's greater than four inches in diameter or four feet in length.

Proposed Changes:

- **Sec. 8-112. – Yard Debris**

The collector shall not collect trees or shrub and tree pruning's greater than four inches in diameter or four feet in length.

Contractors hired by the owner or the owner's agent to provide lawn service activities shall be required to remove their own yard debris after said operations. Contractors are prohibited from leaving their yard debris at curb side on occupied or vacant lots.

Violations shall be prosecuted in accordance with Section 8-116, Penalties.

ACTION REQUESTED:

Adopt Amended Ordinance Section 8-112, Yard Debris.

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2017-19

AN ORDINANCE TO AMEND ARTICLE 8 - HEALTH AND SANITATION, CHAPTER 1 - GENERAL PROVISIONS

WHEREAS, the Town of Kiawah Island Municipal Code currently contains Article 8 - Health and Sanitation, Chapter 1 - General Provisions, Section 8-112 - No trees or large tree prunings, and;

WHEREAS, the Town wishes to regulate the disposal of yard debris produced by contractors hired by the owner or the owner's agent to provide lawn service activities, and;

WHEREAS, the Town wishes to amend the current section relating to the removal contractors yard debris.

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 adopt the amendment of Article 8 - Health and Sanitation, Chapter 1 - General Provisions, Section 8-112 - No trees or large tree prunings.

Section 2 Ordinance

The Town hereby deletes Article 8 Health and Sanitation, Chapter 1, General Provisions, Section 8-112 - No trees or large tree prunings.

Article 8 Health and Sanitation, Chapter 1, General Provisions, Section 8-112 – Yard Debris is hereby created as follows:

Sec. 8-112 Yard Debris

The collector shall not collect trees or shrub and tree pruning is greater than four inches in diameter or four feet in length.

Contractors hired by the owner or the owner's agent to provide lawn service activities shall be required to remove their own yard debris after said operations. Contractors are prohibited from leaving their yard debris at curbside on occupied or vacant lots.

1. Violations shall be prosecuted in accordance with Section 8-116, Penalties.

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 Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS ____ DAY OF _____, 2017.**

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

___/___/2017 1st Reading

___/___/2017 2nd Reading



Request for Town Council Action

TO: Mayor and Town Council

FROM: Bruce D. Spicher

SUBJECT: Chapter 4. Beach and Dune Protection

DATE: September 27, 2017

BACKGROUND:

Digging holes on beaches is a summertime rite of passage for many kids and adults. It may sound simple and harmless, but it has grown to be quite an issue over the past few years. Holes, even shallow ones can produce potential problems on our beach such as impede turtle access to nesting areas, slow vehicles down when responding to emergencies, but also creates a major hazard for these vehicles as well, those who are walking or running up and down the beach do not expect to come across holes in the sand when enjoying the area, and unexpected holes can cause injuries to runners and walkers if they were to fall into them, and potential liability for the Town if someone is injured or dies.

Drafted below is new language addressing holes on the beach.

ANALYSIS:

Create a proactive ordinance to be adopted developing legislative law prohibiting such activities.

ACTION REQUESTED:

This was reviewed by the Public Safety Committee at the September meeting, and it comes as a Recommendation to Approve the new section that will be incorporated in Chapter 4. Beach and Dune Protection.

Section 16-409. Holes on Beach, Prohibited

Substantially altering the contour or shape of the flat beach area by digging shall be prohibited. No person shall possess on or about Kiawah Beach a metal shovel of any type. Violators will be subject to assessed fines in accordance with Section 16-816 of this chapter.

Exception:

- a. Kids plastic shovels no more than 14" in length***
- b. Authorized personnel***
- c. Sponsored KICA, KIGR or TOKI events***
 - a. All holes created shall be filled at the end of the event or penalties shall be assessed to the sponsor in accordance with Section 16-816 of this chapter.***

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2017-20

AN ORDINANCE TO AMEND ARTICLE 16 – BEACH MANAGEMENT, CHAPTER 4 – BEACH AND DUNE PROTECTION

WHEREAS, the Town of Kiawah Island Municipal Code currently Article 16 – Beach Management, Chapter 4 – Beach And Dune Protection; Sections 16-401, 16-402, 16-403, 16-404, 16-405, 16-406, 16-407, 16-408, and;

WHEREAS, the Town wishes to regulate the large holes being dug on the beach requiring countless man-hours to cover and endangering the nesting success of Loggerhead Sea Turtles, and;

WHEREAS, the Town wishes an additional section prohibiting the digging of substantial holes on the beach.

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 adopt the amendment of Article 16 – Beach Management, Chapter 4 – Beach and Dune Protection.

Section 2 Ordinance

Article 16 – Beach Management, Chapter 4 – Beach and Dune Protection; Sections 16-409 is hereby created as follows:

Sec. 16-409 Digging holes on the beach prohibited

Substantially altering the contour or shape of the flat beach area by digging shall be prohibited. No person shall possess on or about Kiawah Beach a metal shovel of any type. Violators will be subject to assessed fines in accordance with Section 16-816 of this chapter.

Exception:

- a) Kids plastic shovels no more than 14” in length
- b) Authorized personnel
- c) Sponsored KICA, KIGR or TOKI events
 - a. All holes created shall be filled at the end of the event or penalties shall be assessed to the sponsor in accordance with Section 16-816 of this chapter.

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 Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND
ON THIS ____ DAY OF _____, 2017.**

Craig Weaver, Mayor

Petra S. Reynolds, Town Clerk

___/___/2017 1st Reading

___/___/2017 2nd Reading



Request for Town Council Action

TO: Mayor and Town Council

FROM: Jim Jordan

SUBJECT: Chapter 4. Section 16-406. Beach Walkovers

DATE: September 29, 2017

BACKGROUND:

Beach walkovers provide access over the dunes to the beach for residents and visitors. DHEC-OCRM regulates the construction of new beach walkovers and all new boardwalks must comply to their specifications. Walkovers are approved locally through a joint application and review process between the Town and Kiawah ARB. State regulations do not deal with boardwalks that have fallen out of compliance, which makes it necessary for the Town to regulate this issue.

There are currently more than 170 beach walkovers on Kiawah Island.

ANALYSIS:

During the past 2 storm events, the majority of beach walkovers were damaged or destroyed. It became clear during the recovery process, especially after Hurricane Irma, that a revision to this ordinance was necessary. The current ordinance, adopted in 2013, was confusing and provided up to 2 years for repairs to be made. It also did not allow the Town's Building Department to require the repair of unsafe boardwalks. In order to shorten the beach recovery timeframe and maintain beach access for emergency vehicles, staff made the decision to rewrite the entire ordinance.

A summary of the new ordinance and changes are provided below.

1. Boardwalks are now divided into 2 categories (private and community). The 3rd category (public) was moved into the community category.
2. All new boardwalks have to be built to OCRM specifications and terminate no more than 10 feet onto the active beach (No change).
3. Existing boardwalks (all) in disrepair – Owner must submit remediation plans within 30 days. Owner has an additional 60 days after plan approval to complete work. (Not in current ordinance)
4. Existing boardwalks (all) extending more than 10 feet onto beach. Owner must submit remediation plans within 30 days. Owner has an additional 60 days after plan approval to complete work. (Was 1 year)
5. Boardwalks (community) – Existing boardwalks that terminate landward of the primary dune that result in the destruction of dune vegetation. Owners must submit remediation plans within 30 days. Owner has an additional 120 days after plan approval to complete work. (Was 2 years)
6. Exception – Any owner can appeal a violation to the Building Department within 30 days of receiving notice from the Town of a violation. (Gives authority to Building Department.

ACTION REQUESTED:

The new ordinance was reviewed favorably by the Environmental Committee at its September 12 meeting. Staff recommends approval of this ordinance.

Sec. 16-406. - Beach walkovers.

- (a) All beach walkovers must be constructed in accordance with the Coastal Division of DHEC requirements as set forth in the South Carolina Code of State Regulations, R 30-13(O)(1).

(b) **Definitions:**

Private beach walkovers: those serving private residences.

Community beach walkovers: those serving regimes, clubs, associations, commercial entities, or the general public intended to provide high volume access to the beach

Active beach: the area seaward of the escarpment or the first line of stable vegetation, whichever first occurs, measured from the ocean landward

- (c) It is unlawful for any property owner to knowingly allow any private or community beach walkover to exist in a state of disrepair or to extend more than 10 feet onto the active beach. The Town will conduct periodic inspections and shall notify the property owner via certified mail return receipt that the said beach walkover is in violation. The owner must submit their remediation plans within 30 days. Once approved the owner will have 60 days to complete said remediation. Should said owner fail to modify and/or repair the identified beach walkover within the 60-day time limit the Town of Kiawah Island 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.

- (d) Owners of existing community beach walkovers terminating landward of the active beach and causing dune vegetation destruction shall be notified by the Town to make corrections. The owner must submit their remediation plans within 30 days. Once approved the owner will have 120 days to complete said remediation. Should said owner fail to extend and/or modify the identified community beach walkover that is causing dune destruction within the 120-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.

(e) **Exception:**

The Town may grant an extension to the above time frames to owners of private or community beach walkovers in the event of extenuating circumstances. Appeals shall be made to the Town's Building Official within 30 days of violation notification. The extension period if granted shall be determined by the Town's Building Official.

THE TOWN OF KIAWAH ISLAND

ORDINANCE 2017-21

AN ORDINANCE AMENDING ARTICLE 16, CHAPTER 4, SECTION 16-406, BEACH WALKOVERS

WHEREAS, Section 48-39-10 of the South Carolina Code of Laws, 1976, as amended creates the Coastal Division of the Department of Health and Environmental Control (hereinafter DHEC) and empowers the Coastal Division with authority to promulgate necessary rules and regulations pertaining to activities within the “critical area” which specifically includes the area from the mean high-water mark landward to the setback line as determined in Section 48-39-280 of the South Carolina Code of Laws, 1976, as amended, and;

WHEREAS, the Coastal Division of DHEC has promulgated certain rules and regulations governing the construction of beach walkovers in the “critical area” and such rules and regulations are contained in the South Carolina Code of State Regulations, R 30-13 (o) (1), and;

WHEREAS, The Coastal Division of DHEC may require the removal of a beach walkover that extends more than ten feet onto the “active beach.” It reviews such beach walkovers on a case by case basis and such enforcement procedures are consistent with what is anticipated by this Ordinance, and;

WHEREAS, Section 48-39-350 of the South Carolina Code of Laws, 1976, as amended requires that coastal municipalities prepare, adopt, and periodically revise a local comprehensive beach management plan, and;

WHEREAS, the Town of Kiawah Island as a coastal political subdivision of the State of South Carolina shares concurrent jurisdiction with the Coastal Division of DHEC for the purpose of regulating the construction of beach walkovers in the “critical area,” and;

WHEREAS, in carrying out that concurrent jurisdiction the Town of Kiawah Island has previously adopted Article 16, Beach Management, of the Municipal Code, and;

WHEREAS, the beachfront is also characterized by an approximate ten mile beachfront strip of land separating the oceanfront property lines from the mean high water mark (this beachfront strip contains a large portion of the “critical area” referenced herein), and;

WHEREAS, this approximate ten mile beachfront strip of land is owned primarily by the Kiawah Island Community Association but subject to the concurrent jurisdiction of the Coastal Division of DHEC and the Town of Kiawah Island, and;

WHEREAS, the Town of Kiawah Island wishes to amend Section 16-406 of the Municipal Code so as to mirror the practice regarding beach walkover compliance and enforcement interpretation employed by the Coastal Division of DHEC to be consistent with the applicable regulations, and;

WHEREAS, the Town wishes to shorten the timeframe for walkover repairs in an effort to maintain a

safe, debris-free beach with necessary access for emergency vehicles.

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

This Ordinance is adopted to replace Article 16, Chapter 4, Section 16-406, Beach Walkovers.

Section 2. Ordinance

Section 16-406, (a)(b)(c)(d)(e) Beach Walkovers is replaced with the following.

Section 16-406 Beach Walkovers

- (a) All beach walkovers must be constructed in accordance with the Coastal Division of DHEC requirements as set forth in the South Carolina Code of State Regulations, R 30-13(O)(1).

(b) Definitions:

Private beach walkovers: those serving private residences.

Community beach walkovers: those serving regimes, clubs, associations, commercial entities, or the general public intended to provide high volume access to the beach

Active beach: the area seaward of the escarpment or the first line of stable vegetation, whichever first occurs, measured from the ocean landward

- (c) It is unlawful for any property owner to knowingly allow any private or community beach walkover to exist in a state of disrepair or to extend more than 10 feet onto the active beach. The Town will conduct periodic inspections and shall notify the property owner via certified mail return receipt that the said beach walkover is in violation. The owner must submit their remediation plans within 30 days. Once approved the owner will have 60 days to complete said remediation. Should said owner fail to modify and/or repair the identified beach walkover within the 60-day time limit the Town of Kiawah Island 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.
- (d) Owners of existing community beach walkovers terminating landward of the active beach and causing dune vegetation destruction shall be notified by the Town to make corrections. The owner must submit their remediation plans within 30 days. Once approved the owner will have 120 days to complete said remediation. Should said owner fail to extend and/or modify the identified community beach walkover that is causing dune destruction within the 120-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.

(e) Exception:

The Town may grant an extension to the above time frames to owners of private or community beach walkovers in the event of extenuating circumstances. Appeals shall be made to the Town's Building Official within 30 days of violation notification. The extension period if granted shall be determined by the Town's Building Official.

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 of property, 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 COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS ____ DAY OF ____, 2017.

Craig Weaver, Mayor

Petra Reynolds, Town Clerk

First Reading Approval:

Second Reading Approval:

2017 Kiawah Island Dune Re-nourishment Effort

Authorization Requested:

... The mayor and town staff are seeking authorization to expend up to \$275,000 for beach/dune re-nourishment at select areas along the Kiawah Island beach, to repair damage caused by Hurricane Irma.

Rationale:

... Kiawah's beach has important ecological, economic, quality of life and property protection roles. If one or more of these are at risk this constitutes sufficient reason for the Town to consider and intercede with beach nourishment efforts.

... The Town's basic premise has been, and continues to be, that Kiawah benefits from a very healthy, generally accreting beach/dune system and that generally we should let natural beach restoration mechanisms do their work. Following Hurricane Matthew we saw satisfactory natural dune restoration underway.

... In this instance, the cumulative impact of Hurricane's Matthew and Irma have resulted in a loss of dunes in some areas that:

- a) impede the use of private or commercial property for its intended purpose;
- b) expose property to an unacceptable level of risk of loss of use from future storms;
- c) diminish the aesthetic quality of the beach to such an extent that it may have an impact on property values (beach front and island-wide), tourism or quality of life.

... Town has the primary stewardship for, and exercises control over the Island's beach and dune system. It will assume the responsibility for funding and managing a limited dunes restoration project to repair damage from the cumulative impact of hurricane's Matthew and Irma.

... We are recommending to target re-nourishment efforts only to those areas that a) fall within the parameters of existing emergency permits, or b) have experienced substantial impact, as defined above, and would likely receive OCRM approval for a supplemental permit. Conversely, the several areas that we are not proposing to address generally don't meet these criteria - they do not have nearby private or commercial property or activity, or they are areas where beach accretion has been consistently strong and the impact should be short-lived, and/or the set-backs for private property are so extensive that the inland properties are reasonably protected.

... This project has been discussed with, and considers input from the community entities that own property immediately adjacent to Kiawah's beach/dune line. All support this proposal, but at least one entity would argue for a more aggressive re-nourishment effort along an expanded length of the Kiawah beach front.

Project Design:

... The project will be limited to dune construction/re-nourishment by sand scraping. This project does not include addition of new sand from off-island sources. The amount of dune that can be reconstructed at any location will be constrained by the parameters of the permit under which the project is proceeding (i.e. <6 feet in height and <20 feet in width, etc.).

... The project will be limited to three sections of the beach, generally defined as:

- Eugenia to Mariner's Watch
- Sanctuary Hotel to Turtle Point Golf Course (Hole 14)
- Beach Club to and including Ocean Course Golf Course (selected areas, not contiguous)

... The project will proceed under two separate DHEC – OCRM processes/permits:

- An existing emergency order allowing immediate sand scraping under limited conditions;
- A second permit, which the Town will apply for immediately, to include additional properties not eligible under the emergency order;

... The first project, under the existing emergency order, will commence as soon as feasible. If the Town determines that the second permit can be attained quickly, the initial project may be delayed only long enough to enable the dune restoration to be done as a single, uninterrupted project.

... This project is separate from and is not intended to address longer-term dune issues at the Ocean Course that are subject to an existing permit and that will be separately evaluated and addressed prior to the expiration of that permit.

... Although we might otherwise include the Timbers in the second project group, because the Timbers has sand available to it for further dune reconstruction they are not included in this project. The Town will support Timbers, as necessary, to acquire the necessary approval to re-nourish their dunes with their existing available sand.

... We anticipate that one or more businesses affected by this project will participate financially, which could result in the total expenditure exceeding \$275,000 or off-set some portion of the Town's expenditure. All permits will be sought by, and all work directed by, Town staff and its consultants and contractors;

Executive Summary for the Charleston Regional Hazard Mitigation Plan 2017-2018, 5 year update

Purpose

- Preparation and maintenance of a hazard mitigation plan is a Federal requirement to comply with the Disaster Mitigation Act of 2000.

The Hazard Mitigation Plan allows the covered jurisdictions the ability to receive:

- FEMA Pre- and Post-Disaster Assistance
- FEMA hazard mitigation project grants
- CRS credit (applicable to many hazard and floodplain management activities of the County)

Process

- Federal Requirement that the Plan must be updated and re-adopted every 5 years to maintain active status.
 - The Charleston Regional Hazard Mitigation and Public Information Committee participates in, recommends and approves updates and changes to the Plan. The Committee is made up of representatives from 31 local jurisdictions and agencies, and 177 non-profit and private partners, making this a regional plan.
 - County Council is asked to approve and adopt the plan for the next 5 years
 - Improvements are made yearly between adoptions and Council is notified
 - Common Plan for all communities but each jurisdiction/agency adopts it independently in order to be eligible for FEMA assistance, grants and CRS credit.

Jurisdictions and Agencies Participating and Adopting the Hazard Mitigation Plan:

Unincorporated Charleston County
Town of Awendaw
City of Charleston
City of Folly Beach
Town of Hollywood
City of Isle of Palms
Town of James Island
Town of Kiawah Island
Town of Lincolnville
Town of McClellanville
Town of Meggett
Town of Mount Pleasant
City of North Charleston
Town of Ravenel
Town of Rockville
Town of Seabrook Island

Town of Sullivan's Island
Charleston County Parks and Recreation Commission
Charleston County School District
Charleston Water System
College of Charleston
Cooper River Parks & Playground Commission
James Island Public Service District Commission
Mount Pleasant Waterworks Commission
North Charleston District
North Charleston Sewer District
Roper St. Francis Healthcare
St. Andrews Parish Park & Recreation Commission
St. Andrews Public Service District
St. John's Fire District Commission
St. Paul's Fire District Commission

Practice

- The plan includes detailed sections describing the following:
 - Background of the Charleston Region
 - Goals of the Plan
 - Details of the planning process – input via citizen and jurisdiction surveys and Committee input through meetings.
 - Hazard Identification and Assessment
 - Problem Assessment – vulnerabilities in buildings, infrastructure and critical facilities; known flood damages and impacts; economic impact; and resiliency to hazards.
 - Possible Activities – projects through Project Impact, Drainage Improvements
 - Action Plans and Status Reports
 - All jurisdictions must create this document; outlines all the hazard mitigation actions that each jurisdiction is conducting along with a status of the project
 - Public Information Plan is included as Appendix A.1. A stand-alone analysis and plan is required for CRS credit.

