

## CHAPTER 4

### BEACHES<sup>[1]</sup>

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Article I. Conservation and Preservation.

Sec. 4-1. Definitions for article.

- A. The words "retained and preserved" in Section 4-2 mean that the property subject to this article shall not be subdivided in any manner into lots or recreation areas and that the Town will utilize all legal means to guarantee that this natural habitat will be undisturbed.
- B. The word "trust" in Section 4-2 shall mean that the Town of Sullivan's Island will act as the custodian of this natural habitat in an effort to maintain it in its present state as protection against erosion caused by the sea, and for the health, safety and welfare of the Island.
- C. The words "area of conservation" in Section 4-2 shall mean that the land shall remain in its natural state (except as provided in Section 4-4 below) with no man-made, artificial changes other than seawalls or other erosion control devices constructed with the

consent of the Town of Sullivan's Island. (1-21-92)

D. The words "maintained and preserved" in Section 4-3 shall mean that the Town of Sullivan's Island will utilize its police powers to prevent altering of this area in any way other than providing all necessary emergency ingress and egress in the beach area or as provided in Section 4-4 below.

(Ord. 1-19-76, S4; 10-20-80, S5)

Sec. 4-2. Establishment of conservation area.

All portions of Sullivan's Island extending from the mean low water mark to the landward boundaries of the RC-1 and RC-2 Recreation and Conservation Areas (established in the Zoning Ordinance of the Town of Sullivan's Island and adopted August 1, 1977 and readopted August 21, 1978), and owned by the Town of Sullivan's Island, the State of South Carolina, the United States Government, or by persons, shall be retained and preserved by the Town of Sullivan's Island in trust as an area of conservation for the purpose of protecting the ecology of such property, of the adjoining property and of the beaches of Sullivan's Island; for enhancing the environment, and for the health, safety and welfare of the residents and property owners of Sullivan's Island. (1-27-92)

Sec. 4-3. Prohibition of subdivision; maintenance and preservation.

The properties above defined shall henceforth and hereinafter be subject to the administration and police power of the municipal government of Sullivan's Island shall not be subdivided into building lots. Subject only to the limited exception provided for in Section 4-4 below, the above-defined properties and areas shall be maintained and preserved in their natural state for the benefit of all people for the purpose of protecting the ecology, environment, and health, safety and welfare of the Town, property owners and residents of Sullivan's Island. (Ord. 1-19-76, S2; 10-20-80, S2)

Sec. 4-4. Restrictions on trimming, pruning and removing vegetation in RC-1 area.

In certain areas of the aforesaid RC-1 Recreation and Conservation Area as established by the Zoning Ordinance of the Town of Sullivan's Island adopted August 1, 1977 and readopted August 21, 1978, there may be bushes and trees which grow to a size sufficient to prevent effective operation of mosquito abatement programs, or otherwise adversely affect the health, safety and welfare of the Town. It, therefore, shall not be a violation of this article for the Town Council of Sullivan's Island to establish a program pursuant to which citizens may apply to the Town for permission to trim and prune bushes and trees in the RC-1 Area as follows:

A. When the Zoning Administrator finds as a fact that bushes and trees in a particular area create a hazard to the health, safety and welfare of the Town due to density, mosquito breeding, or standing water, then upon application of a citizen, or on his own initiative, the Zoning Administrator may issue a permit to a citizen or to the Town to prune or trim the bushes or trees in the RC-1 Area, provided, however, that:

1. the program shall include a numbered permit system under the supervision of the Town Zoning Administrator, and
2. in the area when, fresh water collects naturally and contributes to the breeding of mosquitoes, the vegetation may be cut and maintained to facilitate the work of the mosquito abatement program, and
3. these areas may be joined by cleared paths up to eight (8) feet wide to facilitate access by mosquito abatement personnel and to serve as a fire break, and
4. in the areas where the density of the vegetation shall be found to be a hazard to the safety, welfare, or health, the vegetation may be thinned to one substantial tree, bush or shrub for each six (6) square yard areas, more or less, and
5. in those areas where the height of trees or bushes are deemed objectionable, the trees or bushes may be pruned to a height of no less than three (3) feet, provided that the cumulative effect of the trimming, cutting or pruning shall not be detrimental to the safety, welfare, and health of the people of the Town.

B. The Zoning Administrator shall grant a permit upon the proper application of the adjacent property owner with due regard for existing climatic conditions, the season of the year and the effect of the cumulative trimming, pruning and cutting, and upon the condition that the permittee shall remove the debris to the intersection of a paved road and a beach access or, upon specific approval and direction, may feed the debris to a chipper and deposit the accumulation of vegetation in the fresh water basins, and shall complete all within fifteen (15) days of the issuance of the permit.

C. Town Council may direct Town employees to trim the bushes and trees to such an extent that access to the beach for emergency vehicles and visitors on foot may continue. The town may continue to keep present public walkways open; however, in no case shall these access ways be artificially leveled. No drainage of water to the beach other than natural drainage shall be allowed. (1-20-80)

D. Nothing in this section shall permit alteration, destruction or removal of vegetation seaward of the SCCC 40-year setback line, without permission of the Town and SCCC. (1-21-92)

Sec. 4-4.1 Construction prohibited in RC-2 area, excepting certain docks and piers.

There shall be no construction of any type, no destruction of vegetation, except trimming, cutting and pruning of back beach bushes and trees as provided in Section 21-39 and no man-made changes of topography in RC-2 area, except that the construction of private docks by owners of lots adjoining this area may be permitted, provided approval of the U. S. Corps of Engineers, the South Carolina Coastal Council, the Town of Sullivan's Island and other applicable agencies is obtained. (10-20-80, S4)

Sec. 4-4.2 Specification for permitted docks and piers.

The "head" of permanent dock or pier structure shall be no greater in size than ten (10') feet by ten (10') feet. There shall be no more than one (1) floating dock attached to the fixed dock, the dimensions of which shall be no greater than eight (8') feet by twenty (20') feet. An attached structure may be placed on a dock or floating dock, provided, 1) it is included in the above one hundred (100) square foot area of the dock or the one hundred sixty (160) square foot area of the floating dock, 2) it does not exceed three(3') feet in height, and 3) it does not exceed thirty-two (32) square feet in floor area. The dock or pier shall be constructed within the projected property lines of the lot and within the setback requirements of the Town Zoning Ordinance. The maximum width of the walkway between the land and the head of the pier shall be four (4') feet. There shall be no boat houses or similar structures in the RC-2 area. (10-20-80, S4)

Sec. 4-4.3 The Conveyance of certain real property bordering the Atlantic Ocean to the Lowcountry Open Land Trust for the purposes of preserving and conserving the natural area located therein.

Whereas, the Town of Sullivan's Island is the owner of certain real property, which is more specifically described on Exhibit A attached hereto and incorporated herein, which real property generally borders the Atlantic Ocean, and

Whereas, said real property has certain aesthetic, scientific, educational, ecological, and

environmental value in its present state as a natural area which has not been subject to development or exploitation, and

Whereas, the Open Land Trust intends and has agreed that upon the conveyance of said property to the Lowcountry Open Land Trust it will place certain restrictions thereon, and convey the real property back to the Town of Sullivan's Island, giving the Town of Sullivan's Island the right to revoke or remove such restrictions upon an unanimous vote of Council, and a referendum duly passed by seventy-five (75%) percent of the votes by Town of Sullivan's Island citizens. A copy of the Deed with the Deed restrictions thereon which will convey the property from the Lowcountry Open Land Trust to the Town of Sullivan's Island has been marked Exhibit B and is attached hereto and incorporated herein by reference, and

Whereas, the Town Council referred this matter to the Planning and Zoning Committee, who held Public Hearings on the 9th day of March, 1988 and the 27th day of April, 1988, and made their recommendations to the Town Council.. Town Council in essence accepted the recommendations of the Planning and Zoning Committee with modifications and are not mindful of so preserving and conserving the natural areas of the above referenced real property.

Now, therefore, be it ordained by the Town Council of Sullivan's Island in meeting duly assembled, that the Town of Sullivan's Island convey to the Lowcountry Open Land Trust all that real property herein before described on Exhibit A for and in consideration of the sum of Ten thousand seven hundred forty five and 00/100 (\$10,745.00) Dollars, and the agreement to convey said real property back to the Town of Sullivan's Island by Deed heretofore referred to as Exhibit B.

Be it further ordained that the Mayor of the Town of Sullivan's Island and the Town Clerk are hereby directed and authorized to execute the Deed of Conveyance to the Lowcountry Open Land Trust upon receipt of the sum of Ten thousand seven hundred forty five and 00/100 (\$10,745.00) Dollars, and to execute any and all other documents necessary for said conveyance.

Whereas if any part or parts of this Ordinance shall be held to be unconstitutional such unconstitutionality's shall not effect the validity of the remaining parts of this Ordinance. (1-15-91) FOR EXHIBIT A AND B, SEE FILE L-04 IN LAW FILE DRAWER.

#### Sec. 4-4.4 Regulation for landscaping and dune vegetation.

Property owners along the oceanfront are encouraged to install and maintain native dune grasses, ground covers an shrubs. Vegetation on the seaward and landward sides of

the primary oceanfront sand dunes shall be selected, installed and maintained in accordance with the Town's Local Comprehensive Beach management Plan. Non-native vegetation shall not be allowed seaward of the RS/RC-1 boundary line. In instances where the 40-year setback line is landward of the RS/RC-1 boundary, the Town may allow non-native vegetation between the 40-year setback line and the RS/RC-1 boundary, provided however, that mitigation for any landscaping with non-native vegetation seaward of the 40-year setback line may be required by the Town. Mitigation requirements are set forth in Section 2-10 of the Town's Local Comprehensive Beachfront Management Plan. (1-21-92)

Sec. 4-5. Penalty for littering, destruction of vegetation or sand dune movement.[2]

Any persons altering the area that is the subject of this article by littering, destruction of vegetation (except as provided in section 4-4 above), or the artificial movement of the existing sand dunes shall be subject to a five hundred (\$500) Dollar fine, and each day such shall exist shall constitute a separate offense; in addition, violators will be required to replace disturbed sand dunes and replant the natural vegetation of this area. (1-9-76, S5; 10-20-80, S6; 9-23-97)

Sec. 4-5.1 Critical habitat areas.

Pedestrian, vehicle and other traffic in critical habitat areas designated along the ocean shoreline by the South Carolina Wildlife and Marine Resources Department shall be subject to certain restrictions. When critical habitat areas are designated, the Town shall post appropriate signs, as recommended by the SCWMRD, and enforce traffic restrictions. (1-21-92)

Sec. 4-5.2 Consistency of article with Zoning Chapter.

This article shall be read in conjunction with and in harmony with the Zoning Ordinance of the Town of Sullivan's Island adopted August 1, 1977 and readopted August 21, 1978, and the amendments thereto. (1-21-92)

### Article III. Picnics and Outings.

#### Sec. 4-6. Definitions for article.

The term "beach" or "beaches" as used in this article shall mean the areas on both the oceanward and the back side of Sullivan's Island covered by the ebb and flow of the tide as well as the underdeveloped or dune areas inland from the tide reach when said areas have not been developed or conveyed to private ownership, and including the projection outward of the rights-of-way and streets of the Town leading to the water beyond the point where public maintenance of such streets and rights-of-way ends.

"Outings or picnics on the beach" shall be defined as a gathering of more than ten (10) persons in one place for the purpose of entertaining themselves or providing food as refreshment or meals. (9-51, S1; 11-16-70)

#### Sec. 4-7. Applicability of article to private family, etc.

Nothing in this article shall prevent a private family, together with its house guests, from having its regular meal or meals on the beach. (9-51, S1)

#### Sec. 4-8. Notification of Chief of Police.

The Chief of Police shall be notified of any picnic or outing to be held on any beach of the Town by the person holding such picnic or outing, so that the Chief may provide the proper police protection therefor. (9-51, S1)

#### Sec. 4-9. Violations of article.

Any person holding a picnic or outing on any beach of the Town without first having obtained a permit provided for by this article or in violation of the conditions of such permit shall be guilty of a misdemeanor. (9-51, S3; 7-8-68, Art. 1)

#### Sec. 4-10. Permit required; from whom obtained.

Outings and picnics on the beaches of the Town are hereby prohibited unless a permit therefor is first obtained from the Fire Department. (9-51, S1)

Sec. 4-11. Application.

Permits for outings or picnics on the beaches of the Town may be had upon written application to the Fire Department at least twenty-four hours before the date and hour set for the holding of the outing and picnic. Such application shall be submitted to the Fire Department at the Fire Station. All applications should be made by the person responsible for the conduct of the proposed picnic and no permit shall be issued to any applicant less than eighteen years old. (9-51, S2; 7-8-68, art. 2)

Sec. 4-12. Contents of permit and disposition thereof.

Permits for picnics and outings on the beaches of the Town, shall be given to an applicant therefor in duplicate, showing the date, place and hour of such picnic or outing. No permit shall be issued for picnics which shall continue after 11:00 PM. It shall be incumbent on the applicant to give one copy of the same to the Chief of Police and retain the other copy in his possession before and during the outing or picnic; the copy that he retained to be exhibited to the Police Chief or his duly authorized representative or assistant, if and when requested to do so. (9-51, S2; 7-8-68, art. 3; 11-15-88)

Article III. Sailing and Sailing Events.

Sec. 4-13. Purpose of article.

Whereas the Town of Sullivan's Island is empowered to manage and control the public beaches to provide for the protection, enjoyment, and accessibility of residents and non-residents who desire to use the beaches, and

Whereas the Town of Sullivan's Island is desirous of protecting the rights of Sullivan's Island property owners and the general public while providing access to the beaches for all types of recreation such as sun bathing, swimming, sailing, etc., and

Whereas this Article is being adopted by the Town of Sullivan's Island, which accepts no liability arising out of the establishment or conduct of sailing activity or races from its beaches but enacts this article in an effort to provide a regulatory framework within which organized sailboat races and informal sailing may be conducted.

Therefore, the following article has been to provide for the protection of island residents and the public, the accessibility of certain beach areas to sailboat owners, and the safety of all persons using the beaches of Sullivan's Island. (9-11-78, S1)

Sec. 4-14. Designated areas for organized sailing events.

When a permit to conduct an organized sailing event has been applied for and received from the Town of Sullivan's Island duly signed by the Town Clerk, that section of beaches between Station 19 and Station 21 (south of Sullivan's Island Elementary School) shall be designated as the area for organized sailing events. This area shall be used for participants in the organized sailing event to launch, beach, and trailer their boats. Races and other sailing activity must be conducted at least 100 yards off-shore and participating sailboats shall not approach closer than 100 yards to the beaches of Sullivan's Island exempt between Station 19 and Station 21. Swimming shall be prohibited between Station 19 and Station 21 during an organized sailing event for which a permit has been secured. (9-11-78, S1)

Sec. 4-15. Parking.

The town will try to arrange parking spaces for vehicles and trailers of regatta participants on the scheduled dates of regattas or sailing events. Parking areas will be determined by the Recreation and Police Committees. (9-11-78, S2)

Sec. 4-16. Vehicles on the beach.

Vehicles will be permitted to trail boats to and from the beach area with no more than two vehicles being permitted on the beach at any one time. All vehicles used to trail boats to and from the beach shall not remain on the beach during the sailing event and shall be properly equipped to maneuver on the sand. (9-11-78; S1.3)

Sec. 4-17. Supervision of regattas.

It shall be the responsibility of the sponsoring body to provide for policing the beach area designated for the sailing regatta or event, directing parking in the area designated by the Town authorities, maintaining the safety of swimmers by adequately marking and patrolling the beach area designated for the sailing event, and providing for the cleanliness of the beach by maintaining the beach area and cleaning up after each event. Signs indicating that swimming is prohibited in the designated area during sailing event shall be placed by the persons obtaining a permit on the beach at Station 19 and Station 21 and on each public walkway to the beach within the area between Station 19 and Station 21. (9-11-78, S1.4)

Sec. 4-18. Seasonal restrictions.

No permit shall be issued by the Town under this article during the period beginning July 1 until the day after Labor Day each year. Only one permit may be issued during the month of June in any year. No permit shall be issued for official sailing events during Memorial Day weekend. (9-11-78, S1.5)

Sec. 4-19. Eligibility.

Any group desiring to conduct such activities on Sullivan's Island shall submit a petition (request) in writing addressed to the Chairman of the Recreation Committee which shall be delivered to the Town Clerk, Sullivan's Island, no later than 30 days prior to the scheduled event. Such a petition should include the requested date, number of boats, and a list of officers and local sponsors of the group or organization. A maximum of thirty sailboats shall be allowed to be launched from Sullivan's Island for the purpose of participating in an approved sailing event. Twenty additional boats launched at location other than Sullivan's Island may join the authorized sailing event, provided they are not beached on Sullivan's Island overnight and at the conclusion of the sailing event are not trailered from Sullivan's Island. Issuance of any permit will be subject to the full approval of the Sullivan's Island Town Council upon the recommendation of the Recreation and Police Committees. (9-11-78, S1.6)

Sec. 4-20. Regulations.

All participants and spectators shall be subject to this and all other Code sections and Ordinances of the Town of Sullivan's Island. The persons or organizations applying for a permit for the sailing event shall assume responsibility for informing spectators and participants of these regulations and for enforcing such regulations within the designated areas. All participants and spectators shall cooperate with the Sullivan's Island Police Department and other Town officials in maintaining order, safety, and the cleanliness of the beach. (9-11-78, S1.7)

Sec. 4-21. Failure to Comply.

Failure to comply with the requirements of the Article may preclude the individuals and the sponsoring organization from receiving any further permits for the conduct of organized sailing events from the beaches and in the waters of Sullivan's Island. (9-11-78, S1.8)

Sec. 4-22. Restrictions on all other sailing activity.

All other sailing activity not part of an organized sailing event must be conducted at least 100 yards offshore except for the launching into or taking out of a boat from the ocean. Persons sailing boats to or from the beach in the most direct manner perpendicular to the beach as possible so as to minimize the sailing time in the 100 yards of water nearest the beach otherwise reserved for swimmers. Sailors shall at all times keep a lookout for swimmers and shall exercise utmost care to avoid sailing to and from the beach in areas where swimmers may be endangered by sailboats. (9-11-78, S2.1)

#### Article IV. Miscellaneous Restrictions.

##### Sec. 4-23. Motor-driven vehicles on beaches prohibited; exceptions.

Except as provided in this chapter, no motor-driven vehicle shall be allowed on beaches of the Town of Sullivan's Island for any purpose whatsoever; provided that this shall not apply to police and emergency vehicles. The Town Council upon written request, may waive this section upon a showing by the party so requesting that to allow a vehicle on the beach for a specific purpose will not be injurious to the public health, safety and welfare or injurious to natural resources and habitats. (Ors. 8-18-75, S2; 1-21-92)

##### Sec. 4-23.1 Wind driven vehicles on beaches prohibited.

No wind-driven vehicle shall be allowed on beaches of the Town of Sullivan's Island for any purpose. (6-17-86)

##### Sec. 4-24. Restriction of beverage containers on beaches.

A) It shall be unlawful for any person to have in his possession any beer, or wine, or other alcoholic beverages as defined by the laws of the State of South Carolina, whether in an opened or closed and sealed container, on any of the beaches of the Town of Sullivan's Island, including those unpaved right-of-ways which traverse the sand dunes and beaches of the Town of Sullivan's Island.

B) No person shall carry upon the beaches of Sullivan's Island, including the right-of-ways which traverse the sand dunes and beaches of the Town of Sullivan's Island, any bottles, glasses, or any other glass beverage container(s). (5-15-90)

##### Sec. 4-25. Prohibited area adjacent to Breach Inlet.

No person shall enter the waters adjacent to Sullivan's Island whether entry be made from Sullivan's Island, the Isle of Palms, a boat, the inland waterway, a raft, or any conveyance whatsoever, at Breach Inlet within two hundred (200) yards to the north and five hundred (500) yards to the south of the center line of South Carolina Highway 703 where it crosses Breach Inlet. (Ord. 8-5-74, S1)

Sec. 4-26. Prohibited area near Station 12.

No person shall enter the waters adjacent to Sullivan's Island at that point where the center line of Station 12 Street would intersect the waters if said center line were extended southwardly to meet said waters nor within five hundred (500) yards to the east of the point where the center line of Station 12 Street would meet said waters. No person shall enter five hundred (500) yards of the first rock east of Station 12 (approximately the red buoy). No entry shall be made into said waters from Sullivan's Island itself or from any conveyance whatsoever. (Ord. 8-5-74, S2; 9-15-92)

Sec. 4-27. Aircraft defined.

For the purpose of this section, aircraft shall be defined as including, but not limited to airplanes, gliders, ultra-lights, helicopters, parasails, or any other craft capable of sustained flight. (7-21-92)

Sec. 4-28. Commencement and landing of aircraft prohibited.

It shall be unlawful to commence flight of any aircraft from the land or the waters within the boundaries of the Town of Sullivan's Island, or to land any aircraft on the land or the waters within the boundaries of the Town of Sullivan's Island or to fly any aircraft on the land or waters within the boundaries of the Town of Sullivan's Island or to fly any aircraft within fifty feet (50') feet of the lands or water within the boundaries of the Town of Sullivan's Island without a permit from the Town of Sullivan's Island. The Town of Sullivan's Island may issue special permits for isolated aircraft activities within the boundaries of the Town of Sullivan's Island when adequate safety measures are provided and the time and date of the activities are known in advance. Such permits shall be issued only by resolution of the Town Council. (7-21-92)

Sec. 4-29. Unlawful to fly aircraft within 50 feet of land or water.

It shall further be unlawful to authorize, direct or hire any person to commence flight

of any aircraft from the land or the waters within the boundaries of the Town of Sullivan's Island or to fly any aircraft within fifty feet (50') of the lands or water within the boundaries of the Town of Sullivan's Island except as stated in Sec. 4-28. (7-21-92)

Sec. 4-30. Validity of Ordinance.

If any part or parts of this ordinance shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this ordinance.

Sec. 4-31. Appeal of Ordinances.

Any ordinance or ordinances or parts of ordinances inconsistent herewith are hereby appealed. (6-18-85)

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[1] As to filling and draining of low lots, see Chapter 7 of this Code.

[2] For state law as to littering beaches, see SS16-11-710, Code of Laws of S. C. , 1976