

TITLE 8 - BEACHES, WATERWAYS, RECREATIONAL AREAS, AND ARTS

**Chapters**

- 1. Beaches**
- 3. Motor Boats and Water Safety**
- 5. Sea Turtle Protection**
- 7. Parks and Recreation Commission**
- 8. Town Culture and Arts Advisory Committee**

Chapter 1 - BEACHES<sup>[1]</sup>

Footnotes:

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**Cross reference**— Beaches, § 16-6-301 et seq.

**ARTICLE 1. - GENERAL PROVISIONS**

Sec. 8-1-111. - Title.

This chapter shall be known and may be cited as the "Town of Hilton Head Island Beach Ordinance".

(Ord. No. 84-10, 5-21-84)

Sec. 8-1-112. - Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

- (1) *Beach* shall mean that area lying between the low water mark of the Atlantic Ocean, commencing at Port Royal Sound at the southern shore of Fish Haul Creek and the first property line of property lying closest in proximity to the water, hence southward along the Atlantic Ocean to Port Royal Sound at Port Royal Beach Club.

Additionally, "beach" shall mean that area lying between the low water mark of the Atlantic Ocean, commencing at Port Royal Sound at Port Royal Beach Club and the first property line of property lying closest in proximity to the water, hence southward along the Atlantic Ocean to the southern boundary of Tower Beach Club at Calibogue Sound, and shall extend out from the mean low water mark for a distance of one hundred fifty (150) yards into the water.

Additionally, "beach" shall mean that area lying between the low water mark of the Calibogue Sound, commencing at the southern boundary of Tower Beach Club and the property line of property lying closest in proximity to the water, hence northward along the Calibogue Sound to the southern shore of Braddock Cove at Calibogue Sound and shall extend from the mean low water mark for a distance of seventy-five (75) yards into the water.

- (2) *Boat* shall mean any watercraft, wind surfer, including sea planes when not airborne, sail boat, "jet ski", "aqua-trike" or similar type of watercraft.
- (3) *Designated area* shall be defined as any portion of the beach or areas between the setback line (as established by SC Code of Laws 48-39-280(B)) and the landward barrier line (both non-single family and single family development) designated by the Town Council for a special use (swimming, surfing, beaching of boats, etc.).
- (4) *Designated swimming areas* shall be the following sections of the beach described as follows: Coligny Circle area, from the northern boundary of the Breakers to the southern boundary of the Holiday Inn. For the town's public boardwalk at Alder Lane Beach Park, the designated swimming area shall include all lands seaward of the mean high water line and within one hundred (100) feet on either side of the centerline. For the town's public boardwalk at Driessen Beach Park, the designated swimming area shall include all lands seaward of the mean high water line and within four hundred (400) feet on either side of the centerline. For the town's public boardwalk at Folly Field Beach Park, the designated swimming area shall include all lands seaward of the mean high water line and within one hundred (100) feet north of the centerline and two hundred (200) feet south of the centerline. For the Town's Islanders Beach Park, the designated swimming area shall include all lands seaward of the mean high water line within two hundred (200) feet north of the centerline and one hundred (100) feet south of the centerline.
- (5) *Float* shall mean any nonmotorized raft, inner tube or similar structure designed for recreation purposes made of a rubber, plastic or other soft material.
- (6) *Motorboat* shall mean any boat or other type of vessel, which is propelled by any type of electric, internal combustion or other type of engine.
- (7) *Stunt kite* shall mean any kite which is capable of being manually maneuvered to perform flight patterns, to include rapid ascent and descent and various other gyrations.
- (8) *Dune or dune system* shall mean one (1) or a series of hills or ridges exhibiting varied topography, generally running parallel to the beach of wind-blown sand or one (1) or a series of hills or ridges of sand resulting directly or indirectly from restoration or beach renourishment, all of which may or may not be anchored by vegetation (e.g., sea oats) and is in the vicinity of the beach.
- (9) *Primary ocean front sand dunes* shall mean those dunes which constitute the front row of dunes closest to the Atlantic Ocean.
- (10) *Alcoholic liquors* shall mean any spirituous malt, vinous, fermented, brewed (whether lager or rice beer) or other liquors, or any compound or mixture thereof, by whatever name it is known, which contains alcohol and is used as a beverage.
- (11) *Leash* shall mean a chain, rope, strap or electronic device for leading or holding an animal in check.
- (12) *Designated water sports area* shall be the following section of the beach described as follows: For Collier Water Sports Park, designated water sports area shall include all lands seaward of the mean high water line from the southern boundary of the Folly and extend four hundred (400) feet to the south.
- (13) *Reserved.*
- (14) *Reserved.*
- (15) *Reserved.*
- (16) *Reserved.*
- (17) *Reserved.*

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87; Ord. No. 88-30, §§ 1, 2, 12-19-88; Ord. No. 88-31, § 1, 12-19-88; Ord. No. 90-15, § 1, 6-4-90; Ord. No. 94-13, § 1, 5-17-94; Ord. No. 99-04, § 1, 1-19-99; Ord. No. 00-24, § 1, 9-5-00; Ord. No. 2006-04, § 1, 5-16-06; Ord. No. 06-27, § 1, 12-5-06; Ord. No. 2009-23, § 1, 9-1-09)

## ARTICLE 2. - PROHIBITED AND REGULATED ACTIVITIES

### PART A. - GENERAL BEACH PROHIBITIONS

#### Sec. 8-1-211. - Unlawful activities enumerated.

In order to assure the public health, safety, and welfare of all individuals using the beaches within the town, it shall be unlawful for any person to do any of the following activities on the beaches within the town:

- (1) *Vehicles prohibited.* The driving or operating of any motor vehicle of any kind or nature on the beach within the town; provided, however, that governmental vehicles operated while cleaning or working on the beach, law enforcement vehicles, emergency vehicles, or vehicles operating pursuant to a duly granted permit from the town shall be exempt from the application of this section. In addition, individuals who have physical handicaps 1) which are recognized by state law, and 2) which would otherwise preclude their use and enjoyment of the beach, may drive on the beach an appropriate small open motorized vehicle designed to transport one such handicapped individual, at speeds not in excess of ten (10) miles per hour.
- (2) *Operation of motorized watercraft (including, but not limited to, jet skis, motorboats, etc.).* The operation, anchoring or launching of motorized craft is prohibited within the police jurisdiction of the town, except that motorized watercraft (excluding jet skis, wave runners and boats of their class) shall be permitted to operate within the police jurisdiction of the town from that area commencing at the southern boundary of Tower Beach Club, hence northward along the Calibogue Sound to the southern shore of Braddock Cove at Calibogue Sound and extending from the mean low water mark for a distance of seventy-five (75) yards into the water. Authorized emergency watercraft shall not be prohibited from operation, anchoring or launching within the police jurisdiction of the town.
- (3) *Para-sailing.* No para-sailing operation shall be permitted within the police jurisdiction of the town.
- (4) *Sand-sailing.* The operation of a sand sailor or other wind powered vehicle on the beach during the hours of 10:00 a.m. to 6:00 p.m. from April 1st through September 30th of each year.
- (5) *Kites.* All kites will be under manual control. The use of "stunt" kites is prohibited in designated swimming areas. Elsewhere, the use of stunt kites is prohibited between the hours of 10:00 a.m. to 6:00 p.m. from April 1st through September 30th of each year.
- (6) *Glassware.* All forms of glassware are prohibited on the beach and in the water.
- (7) *Sleeping on beach after midnight.* Sleeping by persons on the beach between the hours of midnight and 6:00 a.m.
- (8) *Animals.* Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m and 5:00 p.m. from April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1st through September 30th. No person shall bring or allow any dog or any other animal on the beach that

is not on a leash or under positive voice control at any hour from October 1st through March 31st. Any violation of the provisions hereof may result in the owner of the animal being charged with a misdemeanor and the animal being seized by the appropriate animal control officer or law enforcement officer.

No person shall permit any excrement from any animal under that person's control to remain on the beach but shall dispose of same in a sanitary manner.

From April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

(9) *Horses on the beach.* The riding or driving of horses on the beach except that an annual marsh tacky race, sponsored by the Native Island Business and Community Affairs Association or the Coastal Discovery Museum, is permitted to be conducted on the beach.

(10) *Marine and wildlife.* In addition to any other applicable state or federal laws, no person shall physically harm, harass, or otherwise disturb any sea turtle, its eggs or hatchlings, any sea bird, its eggs or young, or any other beach fauna.

Beached or stranded sea turtles, whales, or dolphins shall be reported immediately to the proper authorities.

(11) *Shark fishing.* The baiting or fishing for shark from the beach or inside of an area four hundred (400) yards from the water's edge along the beach.

(12) *Fires.* Building fires for any purpose other than cooking. Fires for cooking purposes shall be limited to portable liquid fueled cooking stoves.

(13) *Fireworks discharge.* The discharging of fireworks on the beach, except by permit from the town manager for planned fireworks displays.

(14) *Disturbing the public peace.* It shall be unlawful for any person to attempt to attract the attention of the public to any political or commercial activity by the use of a loudspeaker or other sound amplification device, or to otherwise unreasonably disturb the peace of any person on the beach.

(15) *Indecent exposure.* Nudity is prohibited on the beach.

(16) *Disorderly conduct.* Public drunkenness or other disorderly conduct is prohibited on the beach.

(17) *Commercialization.* No commercial activity shall be undertaken on the beach on [or] in the waters within the jurisdiction of the town, including the sale, solicitation or offer for sale of any product, real estate or real estate interest, service or activity, the rental or offer of rental of any real or personal property, the distribution of any material, handouts, bills, promotional brochures or similar items, except in conformity with the provisions of this chapter. (See Article III, "Franchising".) Except that an event to celebrate the anniversary of the sighting of Hilton Head Island or the anniversary of the incorporation of the town, or both, which is approved by the town, is permitted to be conducted on the beach at the approved location and time.

Any person proposing to operate any commercial enterprise on private property contiguous to the beach shall be subject to all applicable provisions of this municipal code and must possess a valid town business license. (See Title 16 regarding development plan approvals.)

(18) *Unauthorized wearing of lifeguard emblems, insignia, etc.* It shall be unlawful for any person in the public beach areas who is not certified in life saving and approved by the town or its agent to wear or display any badge, uniform, emblem, insignia or lettering designating, identifying or tending to identify said person to be a lifeguard.

- (19) *Litter on beach or in water.* No person shall place or deposit litter including but not limited to cans, garbage, waste or refuse, or any part thereof, on the beach or within the waters adjacent to the beach.
- (20) *Possession or consumption of alcoholic liquors, beer, or wine is prohibited on the beaches.* It shall be unlawful for any person to possess or consume any alcoholic liquors, beer, ale, porter, wine or any other similar malt or fermented beverage on the beaches as defined in Title 8, section 8-1-112(1) of the Municipal Code; provided, however, that when consumption is specifically authorized by permit or license of the S.C. Alcoholic Beverage Control Commission, the same shall be permitted.
- (21) *Open containers.* The possession of any opened container of alcoholic liquor, beer, or wine on the beaches shall be prohibited and shall constitute prima facie evidence of the consumption of the alcoholic liquor at the prohibited place.

(Ord. No. 84-10, 5-21-84; Ord. No. 85-2, § 1, 2-18-85; Ord. No. 87-4, § 2, 4-7-87; Ord. No. 88-30, §§ 3—5, 12-19-88; Ord. No. 89-8, § 1, 5-15-89; Ord. No. 90-15, § 2, 6-4-90; Ord. No. 94-13, § 2, 5-17-94; Ord. No. 2010-02, § 1, 2-23-10; Ord. No. 2013-09, § 1, 9-3-13)

**Cross reference**— Animals running at large, § 17-1-114.

PART B. - PROHIBITIONS AND PERMITTED USES PERTAINING TO DESIGNATED SWIMMING AREAS,  
WATER SPORTS AREAS<sup>2</sup>

Footnotes:

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**Editor's note**— Ord. No. 2009-23, § 1, adopted Sept. 1, 2009, amended the title of part B to read as herein set out. The former title read Prohibitions and Permitted Uses Pertaining to Designated Swimming Areas, Designated Water Sports, the Critical Storm Protection and Dune Accretion Area and the Transition Area.

Sec. 8-1-221. - Activities prohibited during summer season.

In addition to the prohibitions which are applicable to the beach, the following activities shall be prohibited in the designated swimming areas from sunrise to sunset during the period from April 1 through September 30 in each year;

- (1) Fishing or surf casting.
- (2) Reserved.
- (3) The use of a surfboard of similar article for surfing or surfriding.
- (4) Frisbees and/or other team sports involving a ball.
- (5) Recreational games with metal components such as metal horseshoes.

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87; Ord. No. 88-30, §§ 6, 7, 12-19-88; Ord. No. 94-13, § 3, 5-17-94; Ord. No. 00-24, § 2, 9-5-00)

Sec. 8-1-222. - Activities prohibited in the designated water sports areas.

In addition to the prohibitions which are applicable to the beach, the following activities shall be prohibited in designated water sports areas from sunrise to sunset: fishing or surf casting.

(Ord. No. 00-24, § 3, 9-5-00)

Sec. 8-1-223. - Reserved.

**Editor's note**— Ord. No. 2009-23, § 1, adopted Sept. 1, 2009, deleted § 8-1-223, which pertained to activities and uses permitted and prohibited in the critical storm protection and dune accretion area and derived from Ord. No. 06-04, § 1, adopted May 16, 2006; and Ord. No. 06-27, § 1, adopted Dec. 5, 2006.

Sec. 8-1-224. - Reserved.

**Editor's note**— Ord. No. 2009-23, § 1, adopted Sept. 1, 2009, deleted § 8-1-224, which pertained to activities and uses permitted in the Transition Area and derived from and Ord. No. 06-27, § 1, adopted Dec. 5, 2006.

#### PART C. - DESIGNATED AREAS

Sec. 8-1-231. - Designation for special use.

The town council may from time to time designate by resolution of the town council designated areas for any special use. Such designation may be established on either a temporary or a permanent basis by the council. No permanent designation may be made by the council of any section of beach for an activity which is prohibited by this chapter.

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87)

#### PART D. - RESERVED<sup>3</sup>

Footnotes:

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**Editor's note**— Ord. No. 2009-23, § 1, adopted Sept. 1, 2009, deleted part D, which pertained to Nonconforming Structures within the Critical Storm Protection and Dune Accretion Area and the Transition Area. Part D contained § 8-1-241, which pertained to nonconforming structures and derived from Ord. No. 06-04, § 1, adopted May 16, 2006; and Ord. No. 06-27, § 1, adopted Dec. 5, 2006.

Sec. 8-1-241. - Reserved.

**Editor's note**— See editor's note attached to part D.

#### PART E. - ENFORCEMENT

Sec. 8-1-251. - Authority of law enforcement officers.

Those persons who shall be duly appointed deputies or constables, or who are law enforcement officers or code enforcement officers of the town, the county or the state, shall have the power and authority to enforce this chapter.

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87; Ord. No. 06-27, § 1, 12-5-06)

Sec. 8-1-252. - Power to recall swimmers.

The aforementioned law enforcement officers or duly appointed representatives of the town shall have the power and authority to recall from the waters and the surf adjoining the waters, 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 the wind, water, weather or any hazard, including the physical or mental condition of the person in the waters, 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.

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87; Ord. No. 06-27, § 1, 12-5-06)

Sec. 8-1-253. - Fines and penalties.

Any person who violates the provisions of this article upon conviction shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment, or both, as provided for in section 1-5-10 of this Code. Each day's continued violation or separate incident shall constitute a separate offense.

(Ord. No. 87-4, § 2, 4-7-87; Ord. No. 93-24, § 3, 9-20-93; Ord. No. 06-27, § 1, 12-5-06)

### ARTICLE 3. - FRANCHISING<sup>[4]</sup>

Footnotes:

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**Cross reference**— Business and professional licensing; franchising and regulation, Tit. 10; franchises granted, various, § 10-5-10 et seq.

Sec. 8-1-311. - Franchise agreement.

No commercial activity of any kind which proposes to operate in whole or part within the beach area as defined in section 8-1-112(1) shall commence operation unless and until a franchise agreement has been executed and entered into by and between the applicant-franchisee and the town manager on behalf of the town.

(Ord. No. 85-2, § 2, 2-18-85)

Sec. 8-1-312. - Form of franchise application and agreement; rules of operation.

(a) An application and agreement for a beach franchise operation shall contain such information as may be required of the applicant-franchisee by the town council regarding the proposed establishment and conduct of the franchise operation.

- (b) Each franchise agreement, if and when executed and entered into by the appropriate parties, shall contain such provisions regarding the establishment and conduct of the franchise operation which reflect due concern for:
  - (1) The preservation and enhancement of the health, safety and general welfare of citizens enjoying the beach; and,
  - (2) The preservation and enhancement of the beach ecology.
- (c) The town manager may from time to time promulgate appropriate rules and regulations regarding franchise operations which shall be available to all applicant-franchisees upon request.

(Ord. No. 85-2, § 2, 2-18-85; Ord. No. 87-4, § 2, 4-7-87)

Sec. 8-1-313. - Legal conformity.

In addition to conformity with any other applicable ordinance, statute, law, rule or regulation regarding the establishment and conduct of the franchise operation, each applicant-franchisee shall certify to the town manager with sufficient proof upon request that any other permit, license or permission required by law has been secured.

(Ord. No. 85-2, § 2, 2-18-85; Ord. No. 87-4, § 2, 4-7-87)

Sec. 8-1-314. - Franchise fee.

The town manager shall administer a franchise fee schedule approved by the town council which is based upon calendar year gross receipts and other such factors as the town council may determine.

(Ord. No. 85-2, § 2, 2-18-85; Ord. No. 87-4, § 2, 4-7-87)

Sec. 8-1-315. - Franchise term, renewal and termination; appeals.

- (a) The term of any beach franchise agreement shall be determined by town council.
- (b) The violation of any provision of the franchise agreement by the franchisee and/or his agent or employee may result in termination of the agreement, after due notice and opportunity to remedy the violation, by the town manager.
- (c) Sixty (60) days prior to the expiration of the franchise agreement, the franchisee may apply for renewal of the franchise agreement to the town manager, who shall consider prior conduct and other such factors as he may deem relevant in consideration of the renewal application. The town manager shall notify each franchisee by certified mail at least thirty (30) days in advance of the date the franchise is due to expire as to whether or not the franchise will be renewed by the town.
- (d) Any appeal from a decision of the town manager to deny an initial franchise application, to terminate for cause a franchise agreement or to deny renewal of a franchise agreement shall be to the town council.

(Ord. No. 85-2, § 2, 2-18-85; Ord. No. 87-4, § 2, 4-7-87)

Sec. 8-1-316. - Assignment and transfer.

A franchisee may assign or transfer his franchise to another person subject to a sixty-day notification to the town clerk and treasurer and upon approval of the town manager.



(Ord. No. 85-2, § 2, 2-18-85; Ord. No. 87-4, § 2, 4-7-87)

Sec. 8-1-317. - Beach cleanliness.

Each franchisee shall be responsible for maintaining beach cleanliness in an area and according to such terms as may be further specified in the franchise agreement. Recurring legitimate complaints regarding beach cleanliness in a franchisee specified area may result in immediate suspension of the franchisee's agreement by the town manager.

(Ord. No. 85-2, § 2, 2-18-85; Ord. No. 87-4, § 2, 4-7-87)

#### ARTICLE 4. - DUNE PROTECTION

Sec. 8-1-411. - Permit required; damage prohibited.

No person shall alter, destroy or remove any portion of a sand dune, except by obtaining a valid permit for construction or development from all required governmental authorities, including the town.

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87)

Sec. 8-1-412. - Tampering with beach protection equipment.

No person may destroy, damage, remove or otherwise alter any beach renourishment equipment or beach protection structure, except as may be granted by an appropriate development or building permit.

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87)

Sec. 8-1-413. - Destruction of sea oats or other dune vegetation.

It shall be unlawful for any person to alter, remove or otherwise destroy sea oats or any other vegetative matter growing out of the sand dunes with the exception of permitted elevated dune walkovers or similar beach access for accessibility or pruning of dune vegetation when authorized by the town, in accordance with accepted International Society of Arboriculture practices, and land management ordinance (LMO) sections 16-6-104.B.2.viii and 16-6-103.F. The LMO official may allow removal of nonnative invasive vegetation in the dune systems, including but not limited to, Chinese tallow or beach vitex. In addition, the administrator may approve the removal of trees below six (6) inches in diameter, with the exception of live oaks, or grant a tree removal permit for trees of protected size if determined by the administrator it is needed to create a view corridor. All trees removed must be cut flush with existing grade and leave the root system intact.

(Ord. No. 84-10, 5-21-84; Ord. No. 87-4, § 2, 4-7-87; Ord. No. 2010-11, § 1, 6-1-10; Ord. No. 2015-14, § 1(Exh. 1), 6-16-15)

#### ARTICLE 5. - ABANDONED MOTOR VEHICLES, BOATS AND/OR OTHER PROPERTY<sup>5</sup>

Footnotes:

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**Cross reference—** Junked or abandoned vehicles generally, § 12-1-411 et seq.

**Sec. 8-1-511. - Abandoned vehicles, boats and/or other property.**

It shall be unlawful for any person to abandon any motor vehicle, boat and/or other property on the beach. Such property will be considered abandoned (and subject to section 8-1-512) if the property has remained in the same place for an excess of sixty (60) days. Any boat on the beach that is in a state of disrepair, damaged, or un-seaworthy as determined by the town manager or designee may be removed at any time. Upon determination that the property is abandoned or in a state of disrepair, damaged, or un-seaworthy as determined by the town manager or designee, a violation notice will be placed on the property and the owner, if determinable, will be sent a written notice by certified mail allowing thirty (30) days to remove such property, after which time the town may remove the property to a designated impoundment yard at the expense of the owner, if determinable, or dispose of the property by an alternative means at the discretion of the town manager or his designated agent.

(Ord. No. 87-4, § 2, 4-7-87; Ord. No. 05-11, § 1, 5-3-05; Ord. No. 05-33, § 1, 12-20-05)

**Sec. 8-1-512. - Removal and disposition of abandoned property.**

- (a) Any abandoned motor vehicle, boat and/or other property may be removed to a storage area approved by the town manager for safekeeping by or under the direction of an enforcement officer of the town.
- (b) The owner of any removed property, before obtaining possession thereof, shall pay to the agent of the town all costs incurred for storage for such property and all reasonable costs incidental to the removal, storage and locating of the owner. If not reclaimed, the property may be sold thirty (30) days after removal, provided that preceding such public or private sale a public notice has been given. Upon approval by the town manager, the motor vehicle, boat and/or other property will be sold to the highest bidder. Property with an appraised value of less than one thousand dollars (\$1,000.00) may be disposed of by any alternative means at the discretion of the town manager or his designated agent.
- (c) The town manager may promulgate regulations governing the alternative means of disposal of abandoned property of a value less than one thousand dollars (\$1,000.00) as by destruction, donation to an appropriate organization, or any other appropriate method designated by regulation, provided that no employee of the disposing agency shall be entitled to purchase or receive any such abandoned property unless purchased at public auction.
- (d) The proceeds of any sale shall be forwarded to the town to pay for the costs of removal and storage, taxes and liens in that order. After the ownership at the time of the removal is established satisfactorily to the town, the owner shall be paid the remaining proceeds after payment of the foregoing costs and liens.
- (e) If the owner of the property cannot be identified or located after a reasonable effort by the town, any remaining proceeds after costs, taxes and liens are paid will go to the town.

(Ord. No. 87-4, § 2, 4-7-87; Ord. No. 88-30, § 8, 12-19-88; Ord. No. 05-33, § 2, 12-20-05)

**ARTICLE 6. - BOATS ON THE BEACH**

**Sec. 8-1-611. - Permit requirement.**

The owner of any boat, as defined in section 8-1-112(2), which remains overnight on the beach, as defined in section 8-1-112(1), shall obtain either a seasonal or annual beach boat permit. A seasonal beach boat permit shall be valid for six (6) months. The annual beach boat permit shall be valid for a period of one (1) year and shall require a boat to pass an inspection deeming it seaworthy by the town's

designee prior to being issued. A seasonal beach boat permit shall not require an inspection prior to being issued. An annual beach boat permit and a seasonal beach boat permit may be obtained from the town business license clerk or other designee. No beach boat permit shall be required for any such boat removed daily from the beach prior to 8:00 p.m., but the provisions of section 8-1-615 shall apply.

(Ord. No. 87-13, § 1, 7-6-87; Ord. No. 05-33, § 3, 12-20-05)

Sec. 8-1-613. - Application and fee.

- (a) A beach boat permit application shall include the following information: owner(s) name, local and, if applicable, out-of-town address(es) and phone number(s), an emergency contact phone number, the boat type, serial number, boat insurance information, and storage location of the boat in winter and summer months.
- (b) An annual or seasonal fee as determined by the Town Manager shall be paid at the time such application for a beach boat permit is submitted. The Town Manager shall set the annual and seasonal fees for the year prior to December 1st of the previous year.
- (c) The permit issued shall be in the form of a numbered sticker which shall be affixed to the permitted boat at a clearly visible location on the hull. Lost or stolen stickers shall be replaced upon reapplication without charge. Such permit shall be valid during the calendar year it is issued and will expire annually on December 31st.
- (d) A copy of all town beach regulations and other pertinent information shall be provided to all permittees at the time of permit issuance.

(Ord. No. 87-13, § 1, 7-6-87; Ord. No. 05-33, § 4, 12-20-05)

Sec. 8-1-615. - Dune protection and other regulations.

- (a) Any boat which is placed or located at any time atop the primary dunes, meaning those sand dunes which constitute the front row of dunes adjacent to the Atlantic Ocean or other coastal waters, may be subject to immediate impoundment at the direction of a designated town enforcement officer.
- (b) The bringing onto or removal from the beach of any boat which results in damage to primary or secondary dunes, or damage to sea oats or other dune vegetation, is prohibited.
- (c) Boats left on the beach overnight shall have halyards and other possible noise-making parts secured tightly.

(Ord. No. 87-13, § 1, 7-6-87)

Sec. 8-1-617. - Enforcement.

- (a) As of the effective date of this article, the owner of any boat found atop a primary dune in violation of section 8-1-615(a) shall, in addition to the penalties provided for in section 1-5-10 of this Code, pay all costs incurred by the town or its designee in the impoundment and storage of such boat.
- (b) As of the effective date of this article, the boat owner or other person(s) responsible for a violation of section 8-1-615(b) or (c) shall be subject to the penalties provided for in section 1-5-10 of this Code.
- (c) After a 60-day grace period commencing on the effective date of this article, during which period the town shall make a reasonable effort to make boat owners aware of these requirements, boats not displaying a permit sticker may be removed from the beach and disposed of as if abandoned consistent with the provisions of section 8-1-512.

(Ord. No. 87-13, § 1, 7-6-87; Ord. No. 93-24, § 4, 9-20-93)

### Chapter 3 - MOTOR BOATS AND WATER SAFETY

#### ARTICLE 1. - GENERAL PROVISIONS

##### Sec. 8-3-111. - Title.

This chapter shall be known and may be cited as the "Hilton Head Island Boat Control Ordinance."

(Ord. No. 83-7, 10-3-83)

##### Sec. 8-3-112. - Definitions.

For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein:

- (1) *Boat*: Any watercraft, including seaplanes when not airborne, in or upon, or docked or moored at any place in any waterway within the boundaries of the town.
- (2) *Waterway*: Any waters, waterway, harbours, lake, river, tributary, canal, lagoon or connecting waters within the boundaries of the town.

(Ord. No. 83-7, 10-3-83)

##### Sec. 8-3-113. - Authority.

- (a) The town shall have the right to regulate the use of all waterways within the town limits and the conduct of all persons using same, consistent with and not in conflict with federal or state laws and regulations. All ordinances of the town regulating the conduct of persons on land shall apply to persons using waterways, insofar as same are applicable.
- (b) Any law enforcement officer of the town or any law enforcement acting pursuant to a delegation of authority from the town shall be responsible for the enforcement of this chapter. Any such officer shall have the authority to stop and board any vessel for the purpose of inspection or determining compliance with the provisions of this chapter, and is empowered to issue a summons for appearance in a court of competent jurisdiction or make arrests for violations of this chapter. Every vessel if underway or upon being hailed by a police officer, shall stop immediately and lay to or if this is impractical or unsafe, shall maneuver in such a way as to permit such officer to come aboard.

(Ord. No. 83-7, 10-3-83)

#### ARTICLE 2. - LICENSE REQUIREMENTS

##### Sec. 8-3-211. - License compliance.

No person shall operate a boat unless properly licensed as required by applicable state and federal laws and regulations.

(Ord. No. 83-7, 10-3-83)

##### Sec. 8-3-212. - U.S. Coast Guard regulations.

No person shall operate a boat which does not meet all applicable equipment requirements of the United States Coast Guard.

(Ord. No. 83-7, 10-3-83)

Sec. 8-3-213. - South Carolina regulations.

No person shall operate a boat, which does not meet all applicable South Carolina laws and regulations, including the provisions of chapters 21 and 23 of title 50 of the Code of Laws of South Carolina (1976, as amended).

(Ord. No. 83-7, 10-3-83)

### ARTICLE 3. - OPERATION OF BOATS

Sec. 8-3-311. - Reckless operation.

No person shall operate a boat in a reckless manner, or at an excessive rate of speed so as to endanger, or be likely to endanger, the life or property of any person, having due regard for the presence of other boats, or persons, or other objects in or on a waterway.

(Ord. No. 83-7, 10-3-83)

Sec. 8-3-312. - No wake.

No boat shall be operated upon any waterway in the town which produces a dangerous wake which is sufficient to wash the adjoining banks or shores, or damage vessels or wharves or piers. Excessive speed is a concern, but damage from wake at any speed is of paramount concern. Council may authorize, by resolution, the placement of speed or "No Damaging Wake" signs in Skull Creek, Broad Creek, or other waterways under town control within five hundred (500) feet on each side of any dock, wharves, established mooring, or seawall as may be determined necessary and appropriate by the town council.

(Ord. No. 83-7, 10-3-83)

Sec. 8-3-313. - Disturbing other boats.

No person shall operate a boat in such a manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupants of any other boat, or throw up a dangerous wake when approaching another boat.

(Ord. No. 83-7, 10-3-83)

Sec. 8-3-314. - Operating under influence of alcoholic beverages and narcotics.

No person shall operate a boat while under the influence of intoxicating liquor, narcotic drugs or opiates.

(Ord. No. 83-7, 10-3-83)

Sec. 8-3-315. - Muffler required.

No person shall operate a boat with outboard motor or with inboard motor unless equipped with an adequately muffled exhaust. Nor shall any such person use any siren or other noise-producing or noise-amplifying instrument on a boat in such manner that the peace and good order of the neighborhood is disturbed. However, nothing in this chapter shall be construed to prohibit the use of whistles, bells or horns as signals as required by the United States Motorboat Act or other federal law for the safe navigation of motorboats or vessels.

(Ord. No. 83-7, 10-3-83)

## Chapter 5 - SEA TURTLE PROTECTION

### Sec. 8-5-111. - Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth in this section:

- (a) *Artificial light*: Any source of light emanating from a manmade device, including but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, flashlights, spotlights, street lights, vehicular lights, construction or security lights.
- (b) *Beach*: That area of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation (usually the effective limit of storm waves).
- (c) *Floodlight*: Reflector-type light fixture which is attached directly to a building and which is unshielded.
- (d) *Low profile luminaire*: Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source.
- (e) *New development*: Shall include new construction and remodeling of existing structures when such remodeling includes alteration of exterior lighting.
- (f) *Person*: Any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, group, or unit of federal, state, county or municipal government.
- (g) *Pole lighting*: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.
- (h) *Solar screen*: Screens which are fixed installations and permanently project shade over the entire glass area of the window. The screens must be installed outside of the glass and must:
  - (1) Have a shading coefficient of .45 or less; and
  - (2) Carry a minimum five-year warranty; and
  - (3) Must have performance claims supported by approved testing procedures and documentation.
- (i) *Tinted or filmed glass*: Window glass which has been covered with window tint or film such that the material has:
  - (1) A shading coefficient of .45 or less; and
  - (2) A minimum five-year warranty; and
  - (3) Adhesive as an integral part; and
  - (4) Performance claims which are supported by approved testing procedures and documentation.
- (j) *Shading coefficient*: A coefficient expressing that percentage of the incident radiation which passes through the window as heat.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-112. - Purpose.

The purpose of this chapter is to protect the threatened and endangered sea turtles which nest along the beaches of Hilton Head Island, by safeguarding the hatchlings from sources of artificial light which cause disorientation and subsequent death.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-113. - New development.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island. To meet this intent, building and electrical plans for construction of single-family or multifamily dwellings, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other outdoor lighting if such lighting can be seen from the beach, shall be in compliance with the following:

- (a) Floodlights shall be prohibited. Wallmounted light fixtures shall be fitted with hoods so that no light illuminates the beach.
- (b) Pole lighting shall be shielded in such a way that light will be contained within an arc of three (3) to seventy-three (73) degrees on the seaward side of the pole. Outdoor lighting shall be held to the minimum necessary for security and convenience.
- (c) Low profile luminaires shall be used in parking lights and such lighting shall be positioned so that no light illuminates the beach.
- (d) Dune walkovers shall utilize low profile shielded luminaires.
- (e) Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.
- (f) Tinted or filmed glass shall be used in windows facing the ocean above the first floor of multistory structures. Shade screens can be substituted for this requirement.
- (g) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground. Illumination from the lights shall not spread beyond the boundary of the property being developed and in no case shall those lights illuminate the beach.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-114. - Exemptions for new development.

The provisions of section 8-5-113 of this chapter shall not apply to any structure for which a building permit has been issued by the Town of Hilton Head Island, prior to the effective date of this chapter.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-115. - Existing development.

It is the policy of the Town of Hilton Head Island that no artificial light shall illuminate any area of the beaches of Hilton Head Island, South Carolina. To meet this intent, lighting of existing structures which can be seen from the beach shall be in compliance with the following within six (6) months of the effective date of this chapter.

- (a) Lights illuminating buildings or associated structures and grounds for decorative or recreational purposes shall be shielded or screened such that they are not visible from the beach, or turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.
- (b) Lights illuminating dune walkovers of any areas oceanward of the dune line shall be turned off after 10:00 p.m. during the period of May 1 to October 31 of each year.
- (c) Security lighting shall be permitted throughout the night so long as low profile luminaires are used and screened in such a way that those lights do not illuminate the beach.
- (d) Window treatments in windows facing the ocean above the first floor of multistory structures are required so that interior lights do not illuminate the beach. The use of black-out draperies or shade screens are preferred. The addition of tint or film to windows or awnings is also encouraged, as is turning off unnecessary lights if the light illuminates the beach.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-116. - Publicly owned lighting.

Streetlights and lighting at parks and other publicly owned beach access areas shall be subject to the following:

- (a) Whenever possible, streetlights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields that will prevent backlighting and render them not visible from the beach.
- (b) Lights at parks or other public beach access points shall be shielded or shaded or shall not be utilized during the period May 1 to October 31 of each year.

(Ord. No. 90-13, § 1, 5-7-90)

Sec. 8-5-117. - Enforcement and penalty.

This chapter shall be enforced in accordance with the provisions of this chapter, with penalties set forth in section 1-5-10 of this Code.

(Ord. No. 90-13, § 1, 5-7-90)

Chapter 7 - PARKS AND RECREATION COMMISSION<sup>[6]</sup>

Footnotes:

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**Cross reference**— Public place defined, § 1-3-10(25); boards, committees, commissions, § 2-13-20 et seq.; beaches, Ch. 8; waterway defined, regulated, § 8-3-111 et seq.; sea turtle protection, § 8-5-116; water-based recreational activities, § 13-5-992; consumption of alcohol in public places, § 17-3-114; littering, § 17-6-111.

Sec. 8-7-10. - Creation.



- (a) The town parks and recreation commission ("commission") is hereby created pursuant to the authority of the Code of the Town of Hilton Head Island, South Carolina, chapter 13, section 2-13-10, [titled] "Establishment", and shall have the organization, powers and duties set out in this chapter.
- (b) The commission shall consist of seven (7) members appointed by the town council. The council shall seek members with experience in local organized recreation or who have experience in such programs elsewhere, or with experience in child care provision or in leisure service to senior citizens. The commission members shall be appointed for a term of three (3) years; provided, however, that no member may serve more than two (2) successive terms except for extraordinary circumstances where town council believes it to be in the best interest of the community to have a continuation, for a specified period, of a particular member of the commission. This limitation shall not prevent any person from being appointed to the commission after an absence of one (1) year. All terms shall be established to end on June 30 of the appropriate year and members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the town council for the balance of the unexpired term. The town council may remove a member for cause after written notice and public hearing. The commission shall elect a chairman and a vice-chairman from its members who will serve for one-year terms. It shall appoint a secretary who may be an officer or employee of the town or of the commission. No member of the commission may hold elected public office in the town or the county. The commission shall meet at the call of the chairman or at such times as the commission may determine. The commission shall adopt rules for the conduct of business and shall keep a public record of all proceedings and shall record the votes of each member on each question. The commission shall file reports on its activities to the town council on a quarterly basis.
- (c) In the fulfillment of its duties as outlined herein, the commission shall have access to such town facilities and staff assistance, subject to the control and direction of the manager, as it may reasonably require.

(Ord. No. 92-32, § 1, 12-21-92; Ord. No. 98-29, § 1, 7-21-98; Ord. No. 99-20, § 1, 6-15-99)

Sec. 8-7-20. - Powers and duties.

The commission shall have the following powers and duties:

- (1) To make studies of the existing facilities for parks and recreation within the Town of Hilton Head Island, and to assess the future needs of the citizens and residents of the town, and to make recommendations to the town council for the establishment of long and short term goals concerning the development and management of parks and recreation facilities for the citizens and residents of the town (hereinafter the master parks and recreation plan).
  - a. In making such studies and recommendations to the town council, the commission shall include and/or address the following:
    - 1. An analysis of the operations, program delivery systems, and financial commitment of the county to parks and recreation within the town;
    - 2. A review of existing and proposed recreation management services and programs. The commission shall recommend to the town council providers of said services and/or programs;
    - 3. A recommendation of standards for the development, preservation, and maintenance of parks and recreation facilities;
    - 4. An analysis of budgets and financial statements submitted by existing recreation management providers within the town;
    - 5. An analysis of the existing plans and proposals of the various boards, commissions, or agencies of the town; for example, planning commission, land bank commission as well as other entities such as the island recreation association, for the development of parks, open space and recreation (both passive and active) within the town.

- (2) To conduct periodic surveys, either in conjunction with or independent from, existing service providers, to determine whether the master parks and recreation plan is meeting the wishes and desires of the citizens relative to parks and recreation within the town and to make a report of the results of such surveys to the town council.
- (3) To make periodic recommendations to the town council for the periodic updating of the master parks and recreation plan for the town.

(Ord. No. 92-32, § 1, 12-21-92; Ord. No. 98-29, § 1, 7-21-98)

## Chapter 8 - TOWN CULTURE AND ARTS ADVISORY COMMITTEE

### Sec. 8-8-10. - Creation.

- (a) The town culture and arts advisory committee ("committee") is hereby created pursuant to the authority of the Code of the Town of Hilton Head Island, South Carolina, chapter 13, section 2-13-10, [titled] "Establishment," and shall have the organization, powers and duties set out in this chapter.
- (b) The committee shall consist of up to twelve (12) members appointed by the town council. The council shall seek members with experience in local entertainment, arts, culture, and heritage endeavors as well as experience in professions it deems appropriate to fulfilling the mission of the committee. The committee members shall be appointed for a term of three (3) years; provided, however, that no member may serve more than two (2) successive terms except for extraordinary circumstances where town council believes it to be in the best interest of the community to have a continuation, for a specified period, of a particular member of the commission. This limitation shall not prevent any person from being appointed to the committee after an absence of one (1) year. All terms shall be established to end on June 30 of the appropriate year and members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the town council for the balance of the unexpired term. The town council may remove a member for cause after written notice and public hearing. The committee shall elect a chairman and a vice-chairman from its members who will serve for one-year terms. It shall appoint a secretary who may be an officer or employee of the town or of the committee. No member of the committee may hold elected public office in the town or the county. The committee shall meet at the call of the chairman or at such times as the committee may determine. The committee shall adopt rules for the conduct of business and shall keep a public record of all proceedings and shall record the votes of each member on each question. The committee shall file reports on its activities to the town council on a quarterly basis.
- (c) In the fulfillment of its duties as outlined herein, the committee shall have access to such town facilities and staff assistance, subject to the control and direction of the manager, as it may reasonably require.

(Ord. No. 2017-02, § 1, 3-7-17)

### Sec. 8-8-20. - Powers and duties.

The committee will work actively and collaboratively with the culture and arts network director ("director") to achieve town goals as follows:

- (1) Work with the director to create an entertainment, arts, culture and heritage vision and strategy that complements the town's vision.
- (2) Support the director in elevating the profile of Hilton Head Island's entertainment, arts, culture and heritage offerings to residents and visitors by developing and implementing a comprehensive marketing and communications plan. Elements of that plan should demonstrate best efforts to include, but not be limited to, the following:

- a. Integrating into Hilton Head Island branding and marketing efforts including targeted marketing programs such as found within the town's designated marketing organization.
  - b. Facilitating a one-stop shop hub for information about the entertainment, arts, culture and heritage community, products and services.
- (3) Assist the director in establishing Hilton Head Island as a premier entertainment, arts, culture, and heritage destination including, but not limited to, obtaining and maintaining a South Carolina Arts Commission Cultural District status.
- (4) Work with the director to integrate entertainment, arts, culture, and heritage into the daily fabric of Hilton Head Island life. Activities include, but are not limited to:
- a. Formalizing a partnership between schools and the entertainment, arts, culture and heritage communities to provide greater exposure to such communities for students and support school-based entertainment, arts, culture, and heritage programs.
  - b. Expanding the variety and number of public art displays.
  - c. Sharing entertainment, arts, culture, and heritage resources and opportunities across the diverse island population.
  - d. Integrating entertainment, arts, culture, and heritage assets into existing and new island festivals.
- (5) Assist the director in developing a plan to identify additional funding and measure plan progress through:
- a. Exploring and applying for grants and other private/public funding vehicles.
  - b. Researching and designing a measurement system to track progress and demonstrate the value to the community of the entertainment, arts, culture, and heritage assets in terms of quality of life and economic impact.
- (6) Provide annual performance feedback to the appropriate supervisor based on predetermined goals and outcomes.

(Ord. No. 2017-02, § 1, 3-7-17)