

Chapter 32 - WATERWAYS AND BEACHES

Current as of Ord. No. 2020-09 (October 27, 2020)

ARTICLE I. - IN GENERAL

Secs. 32-1—32-19. - Reserved.

ARTICLE II. - BEACHFRONT MANAGEMENT

DIVISION 1. - GENERALLY

Sec. 32-20. - Plan adopted.

An updated Comprehensive Beach Management Plan for the Town of Seabrook Island, a copy of which dated December 16, 2014, is attached [to Ord. No. 2014-05] and made a part hereof as if fully set forth herein, is adopted by the Town of Seabrook Island and shall constitute the town's comprehensive beach management plan in accordance with applicable South Carolina Law.

(Code 2004, § 5.7.10; Ord. No. 1991-02, 8-8-1991; Ord. No. 2014-05, § II, 12-16-2014)

Sec. 32-21. - Definitions.

- (a) For purposes of this article the term "beach" means (i) for that area bordering on the high-tide line of the Atlantic Ocean, that area lying between the high-tide line and the low-tide line, and (ii) for that area bordering on the high-water mark of the North Edisto River, that area between the high-water mark and the low-water mark.
- (b) For purposes of this article, the term "primary frontal sand dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes landward of the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal sand dune is at a point where there is a distinct change from a relatively steep shape to a relatively mild slope.
- (c) For the avoidance of doubt, (i) excluded from the definitions set forth in this section 32-21 is any property, privately owned, whose seaward boundary extends below the high-tide line or the high-water mark and (ii) the town's police jurisdiction extends one mile seaward of the low-tide line of the Atlantic Ocean.

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

Secs. 32-22—32-40. - Reserved.

Sec. 32-41. - Beach and dune protection.

- (a) No person shall alter, destroy or remove any portion of a primary frontal sand dune without first obtaining a permit from all applicable governmental authorities.
- (b) Other than (1) emergency personnel, (2) service personnel, (3) Seabrook Island Property Owners Association (SIPOA) personnel and its authorized contractors, each in the performance of their responsibilities, (4) Seabrook Island beachfront property owners and their contractors (with respect to the beach trust property described in Section 31 of the Protective Covenants for Seabrook Island Development, with the prior approval of SIPOA), and (5) members of the Seabrook Island Turtle Patrol and the members of the Turtle Stranding Team in the performance of their South Carolina Department of Natural Resources (SCDNR) permitted activities, and all activities ancillary thereto, no person shall walk on any portion of the primary frontal sand dune other than at designated beach accesses owned and maintained by SIPOA or privately owned access points constructed in accordance with regulations promulgated by the South Carolina Department of Health and Environmental Control (SCDHEC). This section 32-41(b) shall not in any way impair/remove the necessity to comply with any applicable state and federal law.
- (c) All sand fencing seaward of the primary frontal sand dunes shall comply with the SCDHEC, Office of Coastal Resource Management guidelines contained in the South Carolina Coastal Zone Management Act, and may not be installed until all applicable state, federal and town permits have been issued.
- (d) No alterations shall be made to the natural shoreline, inlet location, dune system, or to existing natural beach elevation without the Town Council's approval and until all applicable state, federal or town permits have been issued.

For the avoidance of doubt, nothing in this section 32-41 shall limit (1) beachfront property owners and their invited guests and employees and guests of St. Christopher Camp and Conference Center from accessing the beach from their property or accessing their property from the beach in either case by means of private beach accesses constructed in accordance with regulations promulgated by SCDHEC or (2) the routine landscaping of the beach trust and beachfront private property.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-42. - Vehicle use.

- (a) The driving or operation of any motor vehicle, of any kind or nature, on the beach is prohibited, except as provided in subsections (1) through (8) of this section:
 - (1) Emergency vehicles;
 - (2) Town and other government vehicles;
 - (3) Seabrook Island Property Owners Association (SIPOA) security or maintenance vehicles;

- (4) Small open motorized vehicles designed to transport handicapped individuals operated by or for the benefit of individuals who have physical handicaps (A) which are recognized by state or federal law, and (B) which would otherwise preclude their use and enjoyment of the beach;
 - (5) Vehicles used by authorized members of the Seabrook Island Turtle Patrol;
 - (6) Seabrook Island Club maintenance vehicles;
 - (7) St. Christopher Camp and Conference Center vehicles used to transport watercraft and for maintenance purposes; and
 - (8) Other vehicles deemed essential by the town, operating pursuant to a duly granted permit from the town.
- (b) Vehicles using the beach shall be operated in such a manner so as not to endanger beachgoers or wildlife. The maximum permissible speed limit on the beach shall be ten miles per hour. Vehicles shall be operated on the wet sand and not operated on dry sand or the upper beach other than to gain access to the wet sand. Vehicles shall not travel onto or otherwise disturb nesting, designated critical habitat areas, wildlife or marine life.
- (c) All authorized vehicles traveling through primary frontal dune areas to the beach shall be restricted to the SIPOA vehicular beach access. St. Christopher Camp and Conference Center has consented to the use of its private vehicular beach access by authorized personnel in emergency situations. A second vehicular beach access for use by authorized personnel in emergency situations is located at the north end of the Pelican Watch Villa property.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-43. - Wildlife and marine life protection.

(a) Harassment of wildlife and marine life prohibited.

- (1) In addition to any other applicable state or federal laws, no person shall harass any of the following species of wildlife and marine life:
 - a. any species of sea turtle which has been designated as an “endangered” or “threatened” species by any state or federal agency with applicable jurisdiction, including the nests, eggs and young of such species;
 - b. any species of bird which has been designated as an “endangered” or “threatened” species by any state or federal agency with applicable jurisdiction, including the nests, eggs and young of such species; and
 - c. any species of marine mammal which is protected by the U.S. Marine Mammal Protection Act of 1972, as amended, or which has been designated as an

“endangered” or “threatened” species by any state or federal agency with applicable jurisdiction, including, but not limited to, Atlantic bottlenose dolphins.

(2) For the purpose of this section, the term “harass” shall mean:

- a. any act of pursuit, torment, or annoyance that kills or injures, or has the potential to kill or injure, any protected species listed in subsection (a)(1); and
- b. any act that has the potential to harm or otherwise disturb (but not kill or injure) any protected species listed in subsection (a)(1) by disrupting behavioral patterns, including, but not limited to: migration, breathing, nursing, breeding, feeding, or sheltering.

(3) Nothing herein shall preclude or otherwise limit the activities of any individual, employee, group or organization which has been duly authorized by an agency or department of the state or federal government, including, but not limited to, employees or members of the Avian Conservation Center, the Seabrook Island Turtle Patrol, the Sea Turtle Stranding and Salvage Network, and the South Carolina Marine Mammal Stranding Network.

(b) Restrictions on swimming in Captain Sams Inlet.

(1) Except in the case of emergency, it shall be unlawful for any person to swim in the waters of Captain Sam's Inlet:

- a. during the period two hours before to two hours after low tide, as predicted by the National Ocean and Atmospheric Administration (NOAA) for the Kiawah River Bridge Tide Station (NOAA Station ID #8667062); and
- b. when one or more Atlantic bottlenose dolphins are present in the inlet.

(2) In instances when an individual is swimming in Captain Sams Inlet outside of those times where swimming is prohibited pursuant to subsection (b)(1), and one or more dolphins subsequently enter the inlet, the individual swimming in the inlet shall immediately return to the shore and cease swimming upon observing the dolphins or being made aware of their presence in the inlet.

(c) Beached, injured or stranded animals.

(1) Beached, injured or stranded animals shall be reported immediately to the town, Seabrook Island Property Owners Association (SIPOA) security, the Charleston County Sheriff's Office or the South Carolina Department of Natural Resources (SCDNR).

(Ord. No. 2015-02, § 1, 7-28-2015; Ord. No. 2020-09, § 1, 10-27-2020)

Section 32-44. - Beach rules for Domestic Household Animals / Pets

(1) General requirements for domestic household animals / pets.

Domestic household animals / pets shall not be allowed on any beach within the municipal limits of the Town except as provided for herein.

- (a) Restricted Area. A restricted area is hereby established beginning at a line extending from Boardwalk #1 to the Atlantic Ocean and continuing in a northeasterly direction to Captain Sams Inlet. No person shall bring or otherwise allow any domestic household animal / pet into the restricted area at any time, whether on a leash or off of a leash.
- (b) Limited Restriction Area. A limited restriction area is hereby established beginning approximately 300 yards northwest of a line extending from Boardwalk #9 (Pelican Watch Boardwalk) to the Edisto River and continuing in a northwesterly direction to Privateer Creek. No person shall bring or otherwise allow any domestic household animal / pet into the limited restriction area that is not on a leash at all times.
- (c) General Beach Area. In all other areas of the beach other than the restricted area and the limited restriction area described above, the following requirements shall apply:
 - (i) Peak Season: From April 1 to September 30, no person shall bring or allow any domestic household animal / pet into the general beach area between the hours of 10:00 am to 5:00 pm that is not on leash at all times. No person shall bring or allow any domestic household animal / pet into the general beach area from 5:01 pm to 9:59 am that is not on a leash or, if not on a leash, is not effectively controlled while on the beach.
 - (ii) Non-peak season: From October 1 to March 31, no person shall bring any domestic household animal / pet on the beach that is not on a leash or, if not on a leash, is not effectively controlled while on the beach.
- (d) Definitions
 - (i) For purposes of this ordinance the term “effectively controlled” shall mean that the behavior of a domestic household animal / pet is restrained by a competent person from: (A) entering any area on or adjacent to the beach in which a domestic household animal / pet is prohibited; (B) destroying or damaging any property; (C) attacking or threatening to attack any person or any other domestic household animal / pet in any manner; or (D) being a nuisance to other beach goers.
 - (ii) For purposes of this ordinance, the term “nuisance” shall mean causing annoyance, inconvenience or discomfort to the public health, safety and welfare.
 - (iii) For purposes of this ordinance the term “competent person” shall mean a person of suitable age and discretion and physically capable of restraining and controlling the domestic animal / pet in his or her care in order to prevent harm to persons, property or to other animals.
 - (iv) For purposes of this ordinance, the term “on a leash” shall mean that the domestic household animal / pet is restrained by a competent person using a physical restraint made of cord, rope, strap, chain or other material effective for restraining the type and size of domestic household animal / pet, the physical restraint being no more than sixteen

(16) feet in length, secured to the animal's collar or harness and continually held by a competent person.

(v) For purposes of this ordinance, the term "off a leash" shall mean that the domestic household animal / pet is not on a leash as defined herein. Domestic household animals / pets under voice control or under control of remotely operated devices such as electronic collars shall be considered to be "off of a leash.

(e) No later than one year from the effective date of this ordinance, council shall review the terms of this ordinance, and determine whether it has worked effectively and achieved the objective of balancing the interests of all users of the beach. Following such review, council shall amend this ordinance, if and to the extent, it deems necessary.

(Ord. No. 2015-02, § 1, 7-28-2015; Ord. No. 2018-07, § 1, 9-25-2018; Ord. No. 2019-09, § 1, 9-24-2019)

Sec. 32-45. - Removal of horse waste.

Every horseback rider or sponsor of horseback rides on the beach shall remove or cleanup any excrement resulting from such horseback ride as promptly as is reasonably practical following the conclusion of each ride.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-46. - Littering prohibited.

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

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-47. - Negligent operation of vessels.

(a) Vessel defined. The term "vessel" means every description of watercraft on the water, used or capable of being used as a means of transportation on the water.

(b) Prohibited. No person may use any vessel or manipulate any water skis, aquaplane, surfboard, or similar device in a negligent manner so as to endanger the life, limb or property of any person.

(c) Use of alcohol, narcotic, etc., prohibited. No person shall use or retrieve a vessel, or use any water skis, aquaplane, surfboard or similar device while under the influence of alcohol, any narcotic drug, barbiturate, marijuana, or hallucinogen.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-48. - Launching or retrieving vessel.

- (a) No person shall launch or retrieve a vessel, excluding sailboats, surfboards, rafts, inner tubes, kayaks or similar devices, anywhere on the beach seaward of the mean high-water mark, except in the case of emergency.
- (b) No person shall propel or cause to move any vessel, except sailboats, surfboards, rafts, inner tubes, kayaks or similar devices from the water onto the sand or anywhere on the beach above the mean low-water mark, except in the case of an emergency.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-49. - Vessels on beach.

Vessels may not be left overnight on any part of the beach, except in the case of an emergency.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-50. - Overnight storage of beach equipment prohibited.

Unless the town grants special permission in writing, tents, tent frames, chairs, umbrellas, clothing, coolers, toys or other beach equipment left unattended on the beach after sunset shall be deemed abandoned, and the town shall have the right to take possession and dispose of such items.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-51. - Fires on the beach.

No person shall build, start, ignite or maintain a fire or open flame, or use any propane fired grill, cooker, or heating device heated by fire on the beach.

For the avoidance of doubt, nothing in this section 32-51 shall prohibit or otherwise limit anyone with permission from the Seabrook Island Property Owners Association from building, starting, igniting or maintaining a fire above the high water mark.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-52. - Fireworks on the beach restricted.

No person shall use, fire, shoot, discharge or ignite fireworks on the beach, except as permitted by the town in writing.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-53. - Glass containers prohibited.

All glass containers are prohibited on the beach, except those in coolers or other appropriate container. Glass containers may temporarily be removed briefly from coolers or container for the purpose of transferring the contents to a paper or plastic cup.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-54. - Holes/structures on the beach.

Anyone digging a hole in or creating a structure on the beach must restore the sand surface to its natural condition before leaving the beach.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-55. - Commercial activity.

No person shall sell or offer for sale any goods or merchandise, or solicit any trade or business on the beach.

(Ord. No. 2015-02, § 1, 7-28-2015)

Sec. 32-56. - Chumming.

- (a) For purposes of this section, "chumming" means the depositing into water chopped or ground bait consisting of raw meat or fish parts including blood and oil thereof, but excluding poultry, in an attempt to catch fish.
- (b) No chumming shall be allowed on or within 600 feet of the beach.
- (c) Nothing in this section shall affect or prohibit the baiting of crab traps or the placement of natural bait upon a hook and line.

(Ord. No. 2015-08, § 1, 8-25-2015)

Sec. 32-57. - Fishing on the beach.

Code enforcement officers shall have the authority to require persons engaged in fishing from the beach to cease fishing if, in their judgement, circumstances indicate that cessation of fishing is in the interest of public safety. In the event the code enforcement officer determines that fishing from the beach may be unsafe for other users of the beach, the code enforcement officer may order any person engaged in fishing from the beach to immediately cease fishing until such time as he or she indicates that it is safe to resume fishing. The code enforcement officer may indicate that fishing may occur at an alternative location on the beach during the time that the cease fishing order is effective. Failure to comply with an order of the code enforcement officer shall be deemed a violation of this section.

(Ord. No. 2018-08, § 1, 9-25-2018)

Beach Rules for Pets

Restricted Area

NO PETS ALLOWED

Limited Restriction Area

Pets must be on a leash at all times

General Beach Area

Peak Season (April 1 – September 30)

10:00 am to 5:00 pm: Pets must be on a leash

5:01 pm to 9:59 am: Pets may be off-leash

Off-Peak Season (October 1 – March 31)

Pets may be off-leash 24/7

