

ORDINANCE 2013-03

AN ORDINANCE TO REPEAL AND REPLACE SECTION 16-818 GLASS CONTAINERS AND PRODUCTS PROHIBITED OF THE MUNICIPAL CODE OF THE TOWN OF KIAWAH ISLAND

Action: To adopt the Environmental Committee's recommendation to amend Section 16-818 Glass Containers and Products prohibited of the Municipal Code of the Town of Kiawah Island as outlined in Ordinance 2013-03.

Process:

First Reading:	April 2, 2013
Public Meeting:	April 30, 2013 at 10 am
Public Meeting:	May 1, 2013 at 2:30 pm
Second Reading:	May 7, 2013 at 2 pm

Committee: On March 4th the Environmental Committee unanimously recommended an amendment to the Glass on the Beach ordinance such that the Town would allow glass on the beach for organized events by permit only.

Amendments: The event permitting process would require pre and post inspection, glass would only be used for beverage containers, and beverages would be served from a central location to allow for containment and easy/safe removal of accidentally broken glass. The permit fee would be nonrefundable. The event organizer would be required to remove all empty glass beverage containers from the beach in an approved container.

Attachment
Ordinance 2013-03

**TOWN OF KIAWAH ISLAND
ORDINANCE 2013-03**

**AN ORDINANCE TO REPEAL AND REPLACE
SECTION 16-818 GLASS CONTAINERS AND PRODUCTS PROHIBITED
OF THE MUNICIPAL CODE OF THE TOWN OF KIAWAH ISLAND**

WHEREAS, Section 16-818 Glass Containers and Products Prohibited was created by Ordinance 2008-1 with an effective date of May 6, 2008, and;

WHEREAS, as a result of public comments pertaining to Section 16-818 Council for the Town of Kiawah Island directed that the Town of Kiawah Island Environmental Committee review and recommend any appropriate amendments to Section 16-818, and;

WHEREAS, the Environmental Committee has met and discussed Section 16-818 and has forwarded certain recommendations to Council.

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

Section 1. Purpose.

The purpose of this Ordinance is to repeal and replace Section 16-818 Glass Containers and Products Prohibited.

Section 2. Ordinance.

Section 16-818 Glass Containers and Products Prohibited is hereby repealed and replaced as follows:

Section 16-818 Glass Containers and Products Prohibited; Permitted Exceptions

It shall be unlawful for any person to use glass containers of any kind on the beach of Kiawah Island. Glass containers shall include but not be limited to glass bottles, drinking glasses, etc.; provided however this prohibition does not include glass baby bottles or glass baby food jars if properly disposed. "Beach" shall include that area as defined in 16-102 of the Municipal Code and extend into the waters of the Atlantic Ocean for a distance of 100 yards; provided however in addition, this shall not apply to persons operating boats in the area of the waters described herein.

There is an additional permitted exception for organized events. Provided a duly authorized representative of the organized event applies to the Town at least ten (10) days before the scheduled event the Town shall issue a permit allowing for the use of glass containers on the beach under the following limited circumstances and pursuant to the following specific guidelines: glass beverage containers are permitted, and the

beverages served from the glass containers must be served from a central location so as to allow for containment and the safe removal of broken glass. Further the organized event representative will be required to remove all glass containers from the beach upon completion of the organized event. The Town shall have the right to charge a non-refundable permit fee as well as promulgate any further administrative regulations or guidelines to carry out the intent of this Section. Penalties for violation of this Section shall be as provided for in Sections 15-501 and 15-502 of the Municipal Code.

Section 3. Severability.

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

Section 4. Effective Date and Duration

This Ordinance shall become effective on the date of its enactment.

PASSED, APPROVED AND ADOPTED BY THE COUNCIL FOR THE TOWN OF
KIAWAH ISLAND ON THIS ____ DAY OF _____, 2013.

Charles R. Lipuma, Mayor

Petra Reynolds, Town Clerk

First Reading: April 2, 2013

Second Reading: _____