

# THE TOWN OF KIAWAH ISLAND

## ORDINANCE 2021-12

### AN ORDINANCE TO AMEND ARTICLE 15 – BURNING OF COMBUSTIBLE MATERIALS, CHAPTER 1 – OFFENSES AGAINST PROPERTY, SECTION 15-105. – BURNING OF COMBUSTIBLE MATERIALS

**WHEREAS**, the Town of Kiawah Island Municipal Code currently contains Article 15 – Burning of Combustible Materials, and;

**WHEREAS**, the Town wishes to amend the current Chapter 1 – Offenses against property Section 15-105 – Burning of Combustible Materials.

**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 amend Article 15 – Burning of Combustible Materials, Chapter 1 – Offenses Against Property, Section 15-105. – Burning of Combustible Materials to remove the exception allowing electric grill use in multifamily structures.

#### **Section 2**                      **Ordinance**

Amend Article 15 – Burning of Combustible Materials, Chapter 1 – Offenses Against Property, Section 15-105– Burning of Combustible Materials is hereby amended as follows:

#### **Sec. 15-105. Burning of combustible materials.**

- (a) Open burning is prohibited, except in emergency situations as determined by the town.
  - (1) No property owner, property owner guest or any other individual or group of individuals shall be allowed to construct a ceremonial or recreational fire on the beach (i.e., from the dune line to mean low-water mark) or in any open area without first having submitted an application for a permit to the town, setting forth the proposed date, time, location and responsible party for said fire. The application must be reviewed and approved in writing by the St. John's Fire District before being submitted to the town. The town shall notify the applicant in writing of its acceptance or rejection of the permit. No permits shall be granted for any fire on the beach from dusk to dawn between May 1 and October 31.
  - (2) Open burning in connection with the preparation of food for immediate consumption will be exempt, provided, however:

- a. The energy source for cooking on any wooden deck associated with a single-family residence is limited to either an electric, propane or bottled gas type barbecue grill, and an effective means to extinguish a fire is immediately available;
  - b. Outdoor cooking on or under any deck, porch, balcony, stairway, or other overhanging portion, or on any ground level or patio area within ten feet of any multifamily structure is hereby prohibited.
    1. Charcoal, propane, portable electric and natural gas outdoor cooking devices shall be strictly prohibited in multifamily buildings.
- (b) Any person violating any provision of this section shall be deemed guilty of an offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than 30 days, or both, upon conviction. Each day of violation shall be considered a separate offense.

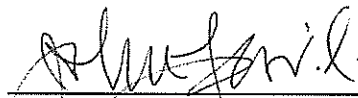
### **Section 3**                      **Severability**


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

### **Section 4**                      **Effective Date and Duration**

This Ordinance shall be effective upon its enactment by Town Council for the Town of Kiawah Island.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF KIAWAH ISLAND ON THIS 12<sup>th</sup> DAY OF OCTOBER 2021.**

  
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John D. Labriola, Mayor

  
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Petra S. Reynolds, Town Clerk

1<sup>st</sup> Reading - September 7, 2021

2<sup>nd</sup> Reading – October 12, 2021