

**TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA**

**ORDINANCE NO. 2025-20**

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 2 TITLE 10 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA (1983) TO ADDRESS HEALTH, SAFETY AND WELFARE ISSUES ARISING FROM SHORT-TERM RENTALS**

**WHEREAS**, on May 17, 2022, the Town Council for the Town of Hilton Head Island, South Carolina ("**Town Council**"), adopted Town of Hilton Head Island Code Chapter 2 Title 10 of the Municipal Code of the Town of Hilton Head Island, South Carolina, establishing regulations for Short-Term rentals in the municipal limits of the Town of Hilton Head Island, South Carolina ("**Town**") to be effective January 1, 2023; and,

**WHEREAS**, the Town Council finds that from and after the effective date of Chapter 2 Title 10 there have been ongoing health, safety and welfare issues arising at properties that are used for Short-Term Rentals. Specifically, Short-Term Rental properties that are rented to numbers of occupants that are higher than can be readily accommodated by the structure, by the property and by the public infrastructure serving the neighborhoods where Short-Term Rental properties are located, leading to:

- (i) Safety issues arising from high occupancy where the occupants are unfamiliar with the structure and the escape routes in the event of an emergency;
- (ii) Safety issues arising from the lack of an interconnected, monitored smoke detection and manual fire alarm system capable of notifying all occupants in a structure;
- (iii) Safety issues arising from the lack of shut-off timers for gas-fired grills;
- (iv) Negative impacts on neighborhoods where Short-Term Rental properties are located due to lack of compliance with the Town's Noise Ordinance [17-4-1111, *et seq.*, *Municipal Code of the Town of Hilton Head Island, South Carolina (1983)*]; and
- (v) Negative impacts on neighborhoods where Short-Term Rental properties are located due to the parking of vehicles by Short Term Rental occupants at locations off of the Short-Term Rental property, including public streets, rights of way or access easements.

**WHEREAS**, the Town Council finds that the issues stated above are important health, safety and welfare issues that affect the citizens, residents, and visitors of and to the Town; and,

**WHEREAS**, the Town Council finds that the text of 10-20-10, *et seq.*, *Municipal Code of the Town of Hilton Head Island, South Carolina (1983)*, will be improved by repealing and replacing the text to provide revisions to the definitions and other text amendments, and create clarity to the text; and,

**WHEREAS**, the Town Council finds that by repealing and replacing the text of 10-2-10, *et seq.*, *Municipal Code of the Town of Hilton Head Island, South Carolina (1983)*, to address the health, safety and welfare issues described above to add additional requirements for Occupancy Limits, Smoke and Safety Alarms And Equipment, Parking Of Vehicles Enforcement, Fines, Definitions and Other Text Amendments related to Short-Term Rentals and Short-Term Rental Properties are in the best interests of, and will promote the health, safety and welfare of the Town and the citizens, residents and visitors of and to the Town; and,

**NOW, THEREFORE, IT IS ORDERED AND ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, AND IT IS HEREBY ORDERED AND ORDAINED BY AND UNDER AUTHORITY OF SAID TOWN COUNCIL, AS FOLLOWS:**

**Section 1. Amendment.** That 10-2-10, *et seq.*, *Municipal Code of the Town of Hilton Head Island, South Carolina (1983)* is repealed in its entirety and replaced as shown on Exhibit “A” attached hereto and incorporated herein by reference.

**Section 2. Severability.** If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 3. Effective Date.** This Ordinance shall have an effective date of May 1, 2026.

**Section 4. Permit Extension.** The permit period set forth in the currently adopted and effective Section 10-2-30(a)(1) shall be extended from December 31, 2025 through April 30, 2026.

**PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA, ON THIS 21st DAY OF OCTOBER, 2025.**

**(SIGNATURES ON FOLLOWING PAGE)**

THE TOWN OF HILTON HEAD ISLAND,  
SOUTH CAROLINA

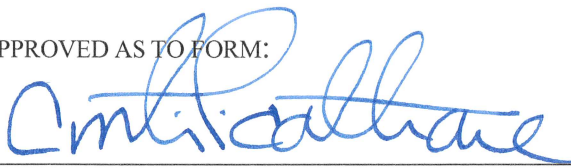
  
\_\_\_\_\_  
Alan R. Perry, Mayor

ATTEST:

  
\_\_\_\_\_  
Kimberly Gammon, Town Clerk

First Reading: October 13, 2025

Second Reading: October 21, 2025

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
Curtis L. Coltrane, Town Attorney

## EXHIBIT A

### TITLE 10 – BUSINESS AND PROFESSIONAL LICENSING; FRANCHISING AND REGULATION CHAPTER 2 SHORT-TERM RENTALS

#### Sec. 10-2-10. Purpose and intent.

It is the purpose and intent of this Chapter to establish regulations for privately owned residential property that is rented to transient occupants for periods of less than thirty (30) consecutive days in the municipal limits of the Town of Hilton Head Island, South Carolina ("Town"), to promote the health, safety and welfare of residents of and visitors to the Town and to minimize the potential adverse effects of short-term rental uses on surrounding residential properties and neighborhoods, and to preserve the character, integrity, and stability of residential neighborhoods in which short-term rental properties are located. This Chapter is not intended to regulate hotels, motels, hospitals or interval occupancy uses [as defined in section 16-10-103(D)(2), *Municipal Code of the Town of Hilton Head Island, South Carolina* (1983)].

#### Sec. 10-2-20. Compliance Dates.

- (a) *Adoption Date.* The date which the Town Council officially approves the Ordinance establishing this Chapter ("Adoption Date").
- (b) *Compliance Date.* Unless otherwise established in this Section, any application for a STR Permit issued on or after May 1, 2026, shall be issued in compliance with the terms, regulations and requirements established in this Chapter.
  - (1) *Compliance Exception.* The requirements established in Section 10-2-60(b)(3) shall be effective and compliance shall be enforced as stated in this Section.
    - a. Prior to Adoption Date. Any application for a renewal of a STR Permit issued prior to, and valid on, the Adoption Date shall comply with the requirements established in Section 10-2-60(b)(3) no later than May 1, 2027.
    - b. After Adoption Date. Any application for a STR Permit, where said application is not regulated by Section 10-2-20(b)(1)(a), received after the Adoption Date shall only be approved if the STR Property is in compliance with Section 10-2-60(b)(3) as of May 1, 2026.

#### Sec. 10-2-30. Definitions.

The following terms are defined terms and when capitalized in the text of this Chapter, mean:

- (1) *Agent* means an individual designated by an Owner to act on the Owner's behalf in connection with a STR Property or STR, to respond on behalf of the Owner to complaints, and receive Written Notices.
- (2) *Bedroom* means a room within a STR Property that is designated, designed and used as a sleeping area rather than a living, dining, or common space. The room must meet building and safety codes and be primarily used for sleeping and typically contains at least one window, a door, a closet, and a bed or other sleeping furniture. As used in this Chapter, "Bedroom" has the same meaning as "Sleeping Area" in the National Fire Alarm and Signaling Code (NFPA 72).
- (3) *Natural Person* means an individual human being, as distinguished from a legal or business entity such as a corporation, limited liability company, partnership, trust, or other juridical person.
- (4) *Official* means the officer, employee or agent designated by the Town Manager to administer and implement the requirements and regulations of this Chapter.
- (5) *Owner* means the owner of record and includes any individual, firm, partnership, limited liability partnership, limited liability company, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, who or which owns one or more STR Properties.

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- (6) *Short-Term Rental ("STR")* means the advertising, offering, leasing, use and/or operation of any STR Property or permitting the occupancy of any STR Property or any other property by a lease or any other form of agreement for periods less than thirty (30) consecutive days.
  - (7) *Short-Term Rental Permit ("STR Permit")* means an annual permit that an Owner must obtain from the Town for each of an Owner's STR Properties.
  - (8) *Short-Term Rental Property ("STR Property")* means any residential property in the municipal limits of the Town, that, in whole or in part, is advertised, offered, leased, used, operated, and/or occupied under a lease or any other form of agreement for a STR.
  - (9) *Short-Term Rental Tenant ("STR Tenant")* means any individual, or group of individuals, occupying all or any part of a STR Property, however described, in any agreement for a STR. For purposes of this Chapter, STR Tenant includes the terms lessee, renter, or any other term used in any agreement for a STR between the Owner and any person or group of individuals.
  - (10) *Written Notice* means any notice required or authorized by this Chapter. A Written Notice may be delivered by personal service to the Owner, or by certified mail, return receipt requested, addressed to the Owner at the address for the Owner shown on the current STR Permit application or the most recent address provided in writing to the Official by the Owner. The Written Notice will be deemed to have been delivered on the date of personal service as documented on an affidavit of service, or on the date that the certified mail return receipt is signed for by, or on behalf of, the Owner.

An Owner may authorize the delivery of any Written Notice authorized or required by the Chapter in the form of electronic mail in the STR Permit application. By authorizing delivery of Written Notice by electronic mail, the Owner acknowledges that any Written Notice delivered by way of electronic mail to the electronic mail address shown in the STR Permit application, or the most recent electronic mail address provided to the Town by the Owner in writing complies with the requirements of this Chapter and any other law regarding delivery of legal notices. The Written Notice by way of electronic mail shall be deemed to have been delivered on the date the electronic return receipt is received by the Official.

An Owner may designate an Agent to act on the Owner's behalf and authorize Written Notices to be delivered to the Agent by providing the necessary information on the STR Permit.

The defined terms include the plural of any term set out in this Section 10-2-30.

## **Sec. 10-2-40. Short-Term Rental Permit.**

- (a) *STR Permit Generally.* A STR Permit shall be obtained prior to a property being advertised, offered, used, and/or operated as a STR.
  - (1) STR Permits issued for calendar year 2025 to expire December 31, 2025, shall be extended and deemed valid until April 30, 2026. In all years following 2025, STR Permits shall be valid for the twelve month period of May 1 to April 30 and shall only be valid for the period which the STR Permit is issued, irrespective of the date on which the STR Permit is issued.
  - (2) A separate STR Permit must be obtained for each STR Property. If multiple units, regardless of building type, are located on one parcel of land, then a STR Permit is required to be obtained for each individual unit.
  - (3) A STR Permit shall not be valid if a Certificate of Occupancy has not been issued by the Town for the STR Property.
  - (4) STR Permits are non-transferrable and non-refundable and are only valid for the Owner, Agent, and the STR Property described in the STR Permit.
  - (5) The Owner shall notify the Town, of any changes to the contact information provided on the STR Permit application.

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- (6) The application fee and late fees for a STR Permit shall be set each year by the Town Council in the annual budget ordinance.
  - (7) The STR Permit application shall be made on a form published by the Town, must be delivered to the Town with the application fee, and must include the following:
    - a. A STR Permit application for a single-family detached residence or any residence that does not have community trash facilities or shared parking must include a site plan showing compliance with the requirements of Section 10-2-60(d) and 10-2-60(e); and,
    - b. A copy of at minimum one (1) advertisement for the STR; and,
    - c. If applicable, a letter from the homeowners or property owners' association approving the use of the STR Property as a STR; and,
    - d. An affidavit signed by the Owner affirming compliance with the requirements of this Chapter; and,
    - e. Provide parking information as required in Section 10-2-60(e).
  - (8) Review of a STR Permit application shall be conducted by the Official, and the STR Permit shall be granted unless the Owner fails to demonstrate compliance with this Chapter and applicable Town Code requirements and regulations.
  - (9) Any false, inaccurate, or untrue statements or information provided with the STR Permit application shall be grounds for revocation or suspension of the STR Permit and imposition of penalties, including denial of future STR Permit applications.
- (b) *Application by Agent.* A STR Permit application submitted by an Agent must be signed by the Owner.
- (c) *Natural Person Required.* If the Owner of the STR Property is held in the name of a trust, entity, legal partnership or business, the STR Permit application must designate a Natural Person who has legal authority to act on behalf of said Owner.

### **Sec. 10-2-50. Licenses, permits, payment of fees and taxes fees required.**

Prior to a property being advertised, offered, used, and/or operated as a STR, the Owner shall first and on a continuing basis thereafter:

- (1) Obtain and maintain a valid and current STR Permit for the property and Town business license; and,
- (2) Pay all applicable fees associated with any STR Permit application and Town business license; and,
- (3) Pay all sales, use or any other similar taxes in connection with any STR and/or STR Property, and,
- (4) Pay all *ad valorem* taxes and government fees for any STR Property; and,
- (5) Ensure there are no outstanding fines, late fees or any other similar charges arising from any STR or the operation, occupancy and use of any STR Property.

Upon identification of delinquent fees, fines or any other monies required by this Section to be current and are due to the Town, the Official has the authority to establish payment plans, revenue procedures, and reduce or waive penalties. The authority provided in this Section shall not conflict with any other Town Code section, and if a conflict occurs then this Section shall be superseded by the conflicting Town Code section.

### **Sec. 10-2-60. Regulations for Short-Term Rentals and Short-Term Rental Properties.**

- (a) *Response to Complaints.* Following the Town's receipt of a complaint against a STR or a STR Property, the Town shall contact the Owner or Agent as soon as practical following receipt of a substantiated complaint. The Owner or Agent shall be available in accordance with the requirements established in this Section.

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- (1) The Owner or Agent of any STR shall be available during the occupancy of any STR to respond to a complaint or any other matter related to the behavior of any STR Tenant or the operation of the STR.
  - (2) The Owner or Agent of any STR shall be available by telephone at all times during the occupancy of any STR and capable of being physically present at the STR Property, or taking other responsive action as required within one (1) hour of notification by the Town of a complaint or any other matter related to the STR Property.
- (b) *Fire and Life Safety.* During any STR and while in possession of a current and valid STR Permit, the STR must remain in compliance at all times with the requirements established in this Section, regardless of whether a STR Tenant or any other individual is occupying the STR Property.
- (1) Maintain fully operable smoke, carbon monoxide, and, if propane is used inside the STR Property, combustible gas detectors in the STR Property in such number and in such locations as required by this Chapter and any other applicable building, fire or safety code; or any other code, regulation or law.
  - (2) Maintain at minimum one (1) fully operable and charged fire extinguisher in the STR Property. Additional fire extinguishers must be in the STR Property and located in the STR Property as required by any applicable building, fire or safety code; or any other code, regulation or law.
  - (3) Any STR Property measuring 3,600 square feet or more that does not have a fire suppression system shall have a fire alarm system installed. For purposes of this section the STR Property square footage shall be determined by the Beaufort County tax record; and if a tax record does not exist for the STR Property, then the Town's building records will be used to determine the square footage of the STR Property. The fire alarm system shall be monitored by a supervising station (i.e., monitoring company) meeting the intent of the National Fire Alarm and Signaling Code (NFPA 72). The fire alarm system shall include a functioning automatic smoke detection system that activates an occupant notification system. Single- or multiple-station smoke alarms shall be installed in all of the following locations:
    - i. Bedrooms and sleeping areas; and,
    - ii. Every room in the path of the means of egress from the Bedroom or sleeping area to the door leading from the Bedroom or sleeping unit; and,
    - iii. Each story within the STR Property, including basements. For STR Properties with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
  - (4) Equip any exterior gas-fired grill at any STR Property with an automatic shut-off timer allowing no more than sixty (60) minutes of gas flow.
  - (5) Maintain unobstructed escape routes in the STR Property in the event of fire.
- (c) *Noise regulations.* A STR shall remain in compliance with all applicable Town ordinances including, but not limited to, Title 17 Chapter 14. Any activity which unreasonably disturbs the peace and quiet of those in their homes and public places is strictly prohibited. During any STR the occupants, whether a STR Tenant or other occupant, shall adhere to the regulations placed on nighttime hours (between 10:01 p.m. and 6:59 a.m.), though Town noise regulations are enforced twenty-four (24) hours each day.
- (d) *Trash regulations.* Each STR Property shall have a designated trash storage area that is fenced or screened so that trash containers are not seen from public streets and neighboring property, except during designated pick-up times. Outdoor trash containers must remain secured with a lid at all times to avoid spills and prevent pests from disturbing the trash contained within the containers.

Trash containers shall not be placed curbside for more than twenty-four (24) hours prior to scheduled pick-up times and will be removed no more than twenty-four (24) hours after pick-up.

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(e) *Parking regulations.* During any STR and while in possession of a current and valid STR Permit, the parking regulations and requirements established in this subsection shall be followed.

- (1) The only parking permitted at a STR Property shall be those areas:
  - a. Identified in the STR Permit application as the location of off-street parking spaces; and,
  - b. Shown on an approved site plan that are located off-street parking spaces within a driveway, be arranged in a row and aligned parallel to one another, and not block any sidewalk, pathway, or other pedestrian access crossing the driveway; and,
  - c. Approved by the Town to provide the minimum number of parking spaces as required by Section 16-1-101, et seq., Municipal Code of the Town of Hilton Head Island, South Carolina (1983); and,
  - d. In compliance with the regulations established in this Section and shall not exceed six (6) exterior parking spaces on any one STR Property. The parking space maximum established in this subsection does not include those parking spaces located inside of a garage.
- (2) The areas identified for the parking of vehicles must be improved with either a pervious or impervious surface. Parking areas must include a space at least nine (9) feet by eighteen (18) feet for each vehicle allowed to be parked at the STR Property. Areas for parking must comply with all other applicable requirements of Section 16-1-101, et seq., Municipal Code of the Town of Hilton Head Island, South Carolina (1983).
- (3) No expansion of a driveway or construction of new parking areas shall be permitted for the primary purpose of increasing the parking capacity of a STR Property without prior written approval by the Town.
- (4) No vehicles associated with the STR Property shall be parked in a place not designated for parking, off-site, on-street (including adjacent rights-of-way or access easements), in a required buffer (excluding in driveways crossing a required buffer), or on any unimproved surface on the STR Property. No vehicle shall park anywhere in conflict with the parking plan approved by the Town in the STR Permit application.

(f) *Inspections and Compliance Regulations.*

- (1) Any STR Property is subject to inspection by the Town to verify compliance with the provisions of this Chapter. Prior to entering the STR Property, the Town shall provide a forty-eight (48) hour written notice using the contact information provided in the STR Permit application.
- (2) The Owner is responsible for inspecting the STR Property to ensure continued compliance with this Chapter and all other applicable zoning, building, health and life-safety code requirements.
- (3) In addition to the requirements of this Chapter, any STR Property must also comply with all other statutes, ordinances, regulations or private covenants applicable to the STR Property. Nothing in this Chapter is intended to authorize waiver of or limitations on compliance with any other applicable statutes, ordinances, regulations or requirements.

## **Sec. 10-2-70. Advertisement and Display Requirements.**

- (a) *Advertisement Requirements.* Any advertisement for a STR shall list the STR Permit number and contain the same information provided to the Town on the STR Permit application including, but not limited to, the number of Bedrooms, and maximum number of vehicles permitted at the STR Property.
- (b) *STR Property Displays.* Upon receipt of necessary approvals and receipt of a STR Permit, and prior to any occupancy, the STR Property shall display in a prominent location the following:
  - (1) Contact information for the Owner or Agent responsible for responding to complaints and any other matters in accordance with Section 10-2-60(a); and

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- (2) Noise restrictions, whereby the following statement shall be on display “It is unlawful to unreasonably disturb the peace and quiet of those in their homes and public places. Nighttime hours are between 10:01 p.m. and 6:59 a.m., though Town noise regulations are enforced twenty-four (24) hours each day as established in Title 17, Chapter 4 of the Town Code”; and,
  - (3) Instructions for managing trash disposal at the STR Property. In accordance with Section 10-2-60(d), the instructions shall include the location of the trash containers, location for trash containers to be picked up, and the designated pick-up times for the trash containers; and,
  - (4) If applicable, notice of the existence of any swimming pool or hot tub at the STR Property and the location of safety equipment related to the swimming pool or hot tub; and,
  - (5) Town-provided outreach and awareness materials related to applicable Town requirements.

#### **Sec. 10-2-80. Violations and Penalties.**

- (a) *Violations.* It shall be a violation of this Chapter to enter into any agreement, lease, offer, advertise, operate, occupy, or use any property for a STR without first complying with the requirements of this Chapter. A violation has occurred for any failure to comply with the requirements established in this Chapter.
- (b) *Administrative Citations and Fines.* Violations of any provision of Chapter are subject to an Administrative Citation as established in Hilton Head Island Code, Section 1-5-11.
  - (1) Penalties and Fines. Administrative Fines for violations of this Chapter are as follows:
    - i. Two Hundred Fifty (\$250) Dollars for first infraction;
    - ii. Five Hundred (\$500) Dollars for a second infraction within one (1) year of the first infraction; and,
    - iii. One Thousand (\$1000) Dollars for a third or any subsequent infraction within one (1) year of the second or any subsequent infraction.
  - (2) Failure to pay an Administrative Fine with thirty (30) days of being issued shall result in a twenty-five (\$25.00) Dollar late fee.
- (c) *Other Penalties and Remedies.* Violations of this Chapter are also subject to the penalties and remedies authorized under Title 12 Chapter 3, Parking; Section 1-5-11, Administrative Citation; Section 1-5-10, General penalty; continuing violation, Section 10-1-150, Business and professional licenses; suspension or revocation of license, Section 9-1-111, et seq. These remedies are in addition to any other remedies available in this Code or at law or in equity for a violation.
- (d) *Parking Violation and Towing.* The Public Safety Director Code Enforcement Officer, Official, or the Beaufort County Sheriff's Office may immobilize, tow, or impound any vehicle parked in violation of this Chapter if, in their sole discretion, deem it necessary for public safety purposes. Any and all charges or fees associated with towing or immobilization shall be the expense of the owner of the vehicle.

#### **Sec. 10-2-90. Suspension or Revocation of STR Permit.**

- (a) *Suspension.* A STR Permit may be suspended when the Public Safety Director or Official determines:
  - (1) A STR Permit has been mistakenly or improperly issued or issued contrary to law;
  - (2) Any condition upon which the STR Permit was issued has been breached;
  - (3) The STR Permit was obtained through fraud, misrepresentation, a false or misleading statement, or evasion or suppression of a material fact in the STR Permit application;
  - (4) An Owner is delinquent in the payment to a fee, fine, or tax as established in Section 10-2-50;
  - (5) The operation of a STR Property has been declared a nuisance;
  - (6) More than two (2) convictions for violations of this Code arising from any activities at or connected with a STR Property occur within any twelve-month period; or,

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- (7) More than three (3) Administrative Citations arising from any activities at or connected with a STR Property occurring within any twelve-month period.

The Public Safety Director or Official is authorized to issue a Written Notice to the Owner that the STR Permit is suspended for a period of one-year and may be revoked, pending a single hearing before Town Council for the purpose of determining whether the suspension should be upheld or whether the STR Permit should be revoked.

- (b) *Revocation.* The Written Notice of suspension and proposed revocation shall state the time and place at which the hearing before Town Council is to be held and shall contain a brief statement of the reasons for the suspension or proposed revocation of a STR Permit.
- (1) The hearing before Town Council on the suspension and proposed revocation of a STR Permit shall be held by Town Council within thirty (30) days after delivery of the Written Notice described in this section 10-2-90. The hearing shall be held upon Written Notice at a regular or special meeting of Town Council. The hearing may be continued to another date by agreement of all parties. At the hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The South Carolina rules of evidence and procedure prescribed by Town Council shall govern the hearing. Following the hearing, Town Council by majority vote of its members present, shall render a written decision setting out its findings of fact and conclusions. The written final decision shall constitute the final decision of Town Council. The written final decision shall be delivered to the Owner in the same manner as any other Written Notice under this Chapter unless a different person and method of delivery is requested by the Owner at the hearing.
- (2) The written decision of Town Council may be appealed to the circuit court in the same manner as appeals are made from the decisions of other administrative bodies of the Town. An appeal, in and of itself, does not stay the effect of Town Council's decision.