

TOWN OF YEMASSEE

Ordinance No. 21-14

AN ORDINANCE AMENDING PORTIONS OF THE TOWN OF YEMASSEE CODE, WITHIN CHAPTER 12 (PARKS & RECREATION), SPECIFICALLY; RENAMING THE CHAPTER TO (PARKS, RECREATION & PUBLIC PROPERTY), AND ADDITIONS AND DELETIONS WITHIN ARTICLES I, GENERAL AND ARTICLE II. PENALTY.

NOW, THEREFOR, BE IT ORDAINED by the Town Council of the Town of Yemassee, in Council duly assembled, hereby amends portions of the Town of Yemassee Code, Chapter 12 including the title of the Chapter being changed to “Parks, Recreation & Public Property, and additions and deletions within the Sections below within Article I and Article II. A copy of the existing text of Chapter 12 is attached and is referenced as “Exhibit A” and the proposed updates are attached and referenced as “Exhibit B”, with modifications highlighted.

Section 1.

The following Ordinances within Chapter 12 have been modified, deleted, or created:

Text Amendment: **12.101. Public Park Defined**

Title Change: **12.102. Application renamed to “Applicability”**

Title Change & Text Amendment: **12.103. Closing hours renamed to “Hours of Operation”**

Text Amendment: **12.106. Sanitation**

Text Amendment: **12.107. Bills, Posters & Advertising**

Text Amendment: **12.108. Selling in Public Parks**

Title Change: **12.109. Intoxicating Liquors, Disorderly Conduct, Etc. Drugs renamed to “Intoxicating Liquors, Disorderly Conduct, Etc. Drug Use”**

Text Amendment: **12.110. Motor Vehicle Traffic in Parks**

Text Amendment: **12.111. Picnic Regulations**

Text Amendment: **12.112. Camping. Fires**

Text Amendment: **12.113. Fireworks in Parks. Prohibited**

New Section (Addition): **12.115. Entering Closed Areas** (*Previous 12.115 Park Restrictions moved to 12.118*)

New Section (Addition): **12.116. Special Events Permits Required for Exclusive Use** (*Previous 12.116 Enforcement moved to 12.119*)

New Section (Addition): **12.117. Commercial Utilization of Spaces & Facilities** (Previous 12.117 titled "Lease & Rental" deleted)

Text Amendment & Renumbering: **12.118. Park Restrictions** (Previous 12.118 titled "Tournaments" moved to 12.120)

Text Amendment & Renumbering: **12.119. Enforcement**

Text Amendment & Renumbering: **12.120. Tournaments**

New Section (Addition): **12.121. Unsafe Conduct in Park Waterways**

New Section (Addition): **12.122. Protection of Natural Resources**

Text Amendment: **12.201. Penalty**

Section 2.

All ordinances or part of ordinances, in conflict herewith are to the extent of such conflict, hereby repealed.

Section 3.

Any chapter, article, section, or subsection, sentence, clause, or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

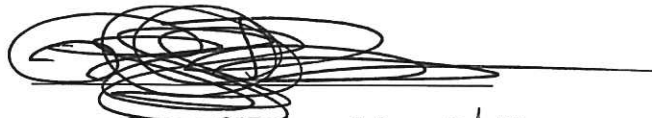
Section 4.

The modified or newly created sections of ordinance shall become effective upon its second reading and adoption.

SO ORDERED AND ORDAINED THIS 8th DAY OF June, 2021.



Colin J. Moore, Mayor



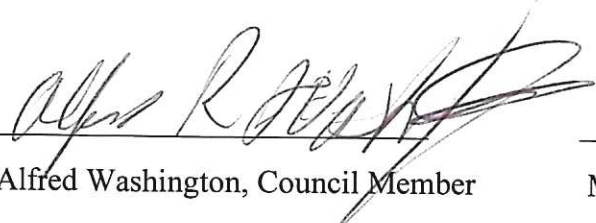
Peggy O'Banner, Mayor Pro Tem



ATTEST: Matthew E. Garnes, Town Clerk

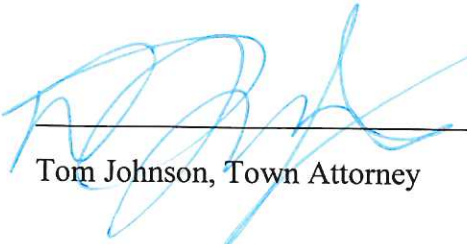


Chuckie Simmons, Councilmember



Alfred Washington, Council Member

Michelle Hagan, Councilmember



Tom Johnson, Town Attorney

First Reading: 5-11-21

Second Reading: 6-8-21

(seal)

Chapter 12. Parks, Recreation and Public Property

ARTICLE I. GENERAL

- 12.101. Public Park Defined.
- 12.102. Applicability
- 12.103. Closing Hours
- 12.104. Damage to Landscaping
- 12.105. Injury to Structures or Property
- 12.106. Sanitation
- 12.107. Bills, Posters and Advertising Prohibited
- 12.108. Selling in Public Parks
- 12.109. Intoxicating Liquors. Disorderly Conduct, Etc. Drug Use
- 12.110. Motor Vehicle Traffic in Parks
- 12.111. Picnic Regulations
- 12.112. Camping. Fires
- 12.113. Fireworks in Parks. Prohibited
- 12.114. Firearms. Dangerous Weapons
- 12.115. Entering Closed Areas
- 12.116. Special Event Permits for Exclusive Use
- 12.117. Commercial Utilization of Spaces and Facilities
- 12.118. Park Restrictions
- 12.119. Enforcement
- 12.120. Tournaments
- 12.121. Unsafe Conduct in Park Waterways
- 12.122. Protection of Natural Resources

ARTICLE II. PENALTY

- 12.201. Penalty

Chapter 12. Parks, Recreation and Public Property

This chapter derives SC Code, Title 51, Chapter 15 §20 et seq; Ordinance #11-14 entitled "Recreation Ordinance", adopted September 12, 2000, and generally accepted municipal practices. (See Chapter 16, this Code, for cross-reference).

Article I. General

12.101. Public Park Defined.

"Public Park" shall be construed to refer to municipally owned or municipally maintained parks, whether located wholly within, wholly without, or partly within and partly without, the corporate limits. Public Parks and property owned or operated by the Town include:

- a) Harold Peeples Athletic Park (Pocotaligo Road)
- b) Marine Corps Tribute Park (Wall Street)
- c) Moore's Park (Salkehatchie Road)
- d) Town Hall Municipal Complex Ballfield (Town Circle)
- e) Willis Street Athletic Courts (Willis St S)
- f) Yemassee Community Center (Mixon St)
- g) Yemassee Veterans Memorial Park (Salkehatchie Road)

The Town Council shall have the authority to declare any property owned or operated by the Town, as a public park.

12.102. Applicability

This chapter shall apply to all Town parks and/or recreation facilities now or hereafter within the Town of Yemassee. This ordinance also applies to public pathways and waterways within the Town of Yemassee. Nothing in this ordinance shall supersede state or federal laws. Where posted, rules pertaining to a particular public property shall be enforced as a part of this ordinance.

12.103. Hours of Operation

All parks and/or recreation facilities owned by the Town and within the Town limits of Yemassee shall be 8:00am. The closing hour for all parks and/or recreation facilities owned by the Town and within the Town limits of Yemassee shall be 10:00pm, unless a permit has been approved following an application to the Town Clerk.

12.104. Damage to Landscaping

It shall be unlawful for any person to break, pluck, walk, step on or in any way injure or destroy any shrub, flowers, or bush, or to dig, uproot, tear up or injure any sod or grass in any public park, or to walk, drive, sit or stand upon any space or area in such public park where a "Keep off" sign has been posted.

12.105. Injury to Structures or Property

It shall be unlawful for any person to write on, carve, cut, deface, injure, or break any part of any building, grandstand or other structure, or any chair, seats, etc., in any public park.

12.106. Sanitation.

No person in or on a public property shall:

- a) *Depositing Refuse.* Leave or permit to be deposited or left in any public park any trash, paper, box, can, bottle, food fragments or other unsightly substance, except in receptacles provided especially, for that purpose, or to dump or throw any trash, stones, bottles, food fragments or refuse of any kind in any lake, stream, swimming pools or fountains in any such park. Any refuse generated from activity in within the Public Park shall be disposed of at either an on-site receptacle or properly disposed of off property.
- b) *Pollution of Waters.* Throw, discharge or otherwise place or caused to be placed in the waters of any fountain, pond, lake, stream, river or other body of water in or adjacent to any such area, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which may result in the pollution of such waters.

12.107. Bills, Posters and Advertising Prohibited

It shall be unlawful for any person to erect any bill posters or to post, tack up or otherwise display any bills or advertising signs, or to distribute handbills in any public park. This Ordinance does not apply to the paid advertising areas in the outfield of the Harold Peeples Athletic Park.

12.108. Selling in Public Parks

It shall be unlawful for any person, except as may have a permit or concession from the Town Clerk, to sell or offer for sale within any public park any cold drinks, food or any other merchandise. The Town of Yemassee Recreation Department staff shall operate the Concession Stand at the Harold Peeples Athletic Park during all municipal intramural sporting programs and during private event rentals. All revenue generated from concession sales shall be reinvested into the recreational offerings of the Town of Yemassee.

12.109. Intoxicating Liquors, Disorderly Conduct, Etc. Drug Use

- a) It shall be unlawful for any person to carry into any public park any intoxicating liquors, to consume the same therein, or to be therein under the influence of intoxicants, or to use any profane, vulgar, or indecent language, or to commit any nuisance, or to engage in any unseemly, obnoxious, disorderly conduct, or to engage in any game of chance, or in betting or wagering in any such park.
- b) It shall be unlawful to disturb or interfere unreasonably with any person or party occupying the area or participating in any authorized activity.
- c) It shall be unlawful to possess, consume, or distribute non-prescriptive drugs or illegal substances on the premises of any public park.

12.110. Motor Vehicle Traffic in Parks

No person in or on a public property shall:

- a) Compliance with motor vehicle laws. Fail to comply with all applicable provisions of the state or local motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such governmental regulations as are contained in this article and other ordinances.
- b) Obedience to Police officers. Fail to obey all Police Officers and Town employees, such persons being hereby authorized and instructed to direct traffic whenever needed in such areas and in accordance with the provisions of this article and such regulations as may be issued by the Town.
- c) Speed of vehicles; operation off roadways. Ride or drive a motorized vehicle within any public property, when authorized, at a rate of speed exceeding five miles an hour or operate such vehicle off any paved or clearly maintained portion of a roadway in any public park or other publicly owned property, except when authorized by the Town. All motorized vehicles are expressly prohibited on designated bike trails.
- d) Operation of motorcycles. Operate a golf cart, motorcycle, motorbike or similar motorized vehicle within the limits of any public property except upon those paved portions of a roadway and parking areas designed for such vehicles.
- e) Double parking. Double park any vehicle in any such area unless directed by a Town official.

12.111. Picnic Regulations

- a) It shall be unlawful to picnic or lunch in a place other than those areas designated for that purpose. Town Staff have the authority to regulate the activities in such areas when necessary, to prevent congestion and to secure the maximum use for comfort and convenience of the public.
- b) It shall be unlawful to violate the regulation that the use of the picnic tables and benches follows the general rule of "first come, first served".
- c) It shall be unlawful to leave the area before all trash, in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in receptacles provided.

If no such receptacles are available, then the refuse and trash shall be carried away from the park and disposed of elsewhere.

12.112. Camping. Fires

- a) No person in or on a public property maintained by the Town shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the Town.
- b) It shall be unlawful to camp in any area without written permission from the Town Clerk. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping nor shall any person leave in any park any movable structure or special vehicle to be used or that could be used for such purposes, such as campers, trailers or the like.

12.113. Fireworks in Parks. Prohibited.

It shall be unlawful to bring or have in their possession or set off or otherwise cause to be exploded or discharged or burn any firecracker, sparkler, or other fireworks or explosive or to discharge or throw them into any such land or highway adjacent thereto without written permission from the Town Council or Town Clerk.

12.114. Firearms. Dangerous Weapons.

It shall be unlawful to carry, use or possess firearms or other dangerous weapons of any nature within any park or other recreation facility; however, this section shall not apply to law enforcement officers while engaged in the course of their duties.

12.115. Entering Closed Areas

It shall be unlawful to:

- a) Enter an area of public property posted as closed to the public.
- b) Breach any door, gate, chain or other device used to restrict access to a park, building within a park or a specific area of the park.

12.116. Special Event Permits for Exclusive Use.

- a) Upon receipt of an application, the Town may issue a special event permit authorizing the exclusive use of park space or park facilities for a limited time in accordance with its regulations and fees established for that purpose. No person having been issued such permit in or on a Town playground or park shall fail to produce and exhibit the permit upon request of any authorized Town representative who shall desire to inspect the permit for the purpose of enforcing compliance with any ordinance or rule.
- b) No person shall disturb or unreasonably interfere with any person who has obtained a special event permit under subsection (a) while the permittee is in possession and use of the permitted space or facilities. Any person refusing to

stop such disturbance or interference when requested to do so, may be cited for a violation of this code or ordered to leave the park, or both, by any Town officer or employee authorized to enforce this article.

- c) Any fees that may be required for a specific facility rental shall be included on the current Schedule of Rates & Fees. The Town Clerk has the authority to waive any or all fees associated with a rental if they deem it in the best interests of the Town.
- d) Any person or persons entering into a lease or rental agreement with any recreation facility or public park agrees to hold harmless the Town, its Staff, its agents of any injuries or deaths incurred while using the facilities. The sponsor shall assume full responsibility.

12.117. Commercial Utilization of Space and Facilities.

- a) The Town may allow the commercial utilization of public property on an exclusive use basis in accordance with such contracts and permitting procedures as the Town Clerk may approve. However, the commercial utilizations must be for limited periods of time in clearly defined space and with limited frequencies. The services rendered during such utilizations must be the types that promote the general purposes of the park in its availability to the public at large. The Town must receive reasonable compensation for the use. The methods for allocating such utilization among interested applicants must be fair and open to all interested providers of the service. The commercial user must make the rendered service available to members of the public without discrimination based on race, religion, national origin, gender, or ethnic identity. The commercial user must have a Town business license.
- b) Walking tours and other business operations which utilize public property do not require special permits, provided they do not impede the right of the public to use public property for its intended purposes and provided they do not have the effect of gaining exclusive use of specific space or facilities for any meaningful period of time or with undue frequency.

12.118. Park Restrictions.

Any section or part of any park or recreation area or facility may be declared closed to the public by the Town Clerk at any time and for any interval of time, either temporarily or at regular stated intervals (daily or otherwise) and to certain users.

12.119. Enforcement.

- a) The Town Clerk or the Recreation Director, if such position shall exist, has the authority and responsibility to enforce any rules and regulations governing the use of parks and recreation facilities as adopted by the Town of Yemassee.
- b) The Town Clerk or the Recreation Director, any authorized municipal employee shall have the authority to eject from any recreation facility any person acting in

violation of this article, or in violation of the rules and regulations enacted pursuant to this article or any other ordinance adopted by the Town Council.

- c) The Yemassee Police Department may draw warrants, issue citations, or take such other legal measures as may be allowed to enforce the terms and provisions of this article.

12.120.Tournaments.

A Special Event permit shall be required to conduct athletic tournaments such as baseball, basketball, softball, etc.

12.121. Unsafe Conduct in Park Waterways.

- a.) Prohibited. No person shall engage in unsafe conduct in or near any stream or river on public property. Unsafe conduct is any activity which threatens harm to the bed or banks of the waterway, or which threatens serious bodily injury to the person engaging in the activity or to others. Unsafe conduct includes, but is not limited to, climbing, or sliding on rocks in or next to a waterway; climbing over the sides of any bridge which crosses over a waterway; or destroying, disrupting, or agitating the condition of banks of a waterway. Nor shall any person actively induce or engage other people in unsafe conduct in a park waterway.
- b.) Lawful order. Any law enforcement officer shall assist in enforcement of this section may direct activity having the appearance of unsafe conduct in subsection (a) be stopped. The failure to obey such lawful order is also a violation of this section.

12.122.Protection of Natural Resources.

No person in or on a public property, without consent of the Town, shall dig or remove any soil, sand, rock, stones, shrubs or plants, down timber, or other wood materials, or make any excavation by tool, equipment, blasting or other means or agency.

Sections 12.123 – 12.199. Reserved

Article II. Penalties

12.201. Penalty

- a) Any person found upon the premises of any town parks and/or recreation facilities within the town limits of the Town of Yemassee, after the official closing hour of 10:00PM without the express written consent of the Town Clerk or their authorized representative or the written permission of the Mayor & Town Council shall be deemed a trespasser and in violation of this chapter.
- b) This chapter shall not apply to members and employees of the Town of Yemassee, and the Town of Yemassee Recreation Committee engaged upon their official duties in connection with said parks and recreation facilities.
- c) Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor.
- d) Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)