



TOWN OF YEMASSEE TOWN COUNCIL MEETING

Tuesday, June 8, 2021 – 6:30PM

101 Town Cir, Yemassee, SC 29945

In person attendance at the meeting is limited to the first ten (10) persons, due to COVID-19

- I. **Call to Order – Mayor Colin Moore**
- II. **Pledge of Allegiance & Invocation**
- III. **Determination of Quorum**
 - a. Consent of the Agenda for the June 8, 2021, Town Council Meeting
 - b. Approval of the May 11, 2021, Town Council Meeting Minutes
- IV. **Old Business**
 - a. Consideration of an Ordinance Amending Portions of the Town of Yemassee Code, within Chapter 12 (Parks and Recreation), including renaming the Chapter (Parks, Recreation and Public Property), including updating and adding of new Sections within Article I. In General, and Article II. Penalty. [Ordinance 21-14]
- V. **New Business**
 - a. Consideration of an Ordinance Amending the Town of Yemassee Schedule of Rates & Fees. [Ordinance 21-15]
- VI. **Department Reports**
 - a. Police Department
 - b. Administration
 - c. Municipal Court
 - d. Public Works
- VII. **Public Comment**
 - a. Public Comment must be submitted to the Town Clerk at least five minutes prior to the start of the meeting.
- VIII. **Adjournment**

“FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies.”

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Clerk



Council Members

Michelle Hagan

Charlie Simmons

Alfred Washington

Town Council Agenda Item

Subject: Approval of the May 11, 2021, Town Council Meeting Minutes

Department: Administration

Attachments:

Ordinance Resolution Motion

Support Documents Other

Summary: Approval of the May 11, 2021, Town Council Meeting Minutes.

Recommended Action: Approve the minutes as presented.

Council Action:

Approved as Recommended

Approved with Modifications

Disapproved

Tabled to Time Certain

Other

Minutes
Town of Yemassee Town Council
May 11, 2021, Town Council Meeting; 6:30PM
101 Town Cir, Yemassee, SC 29945

Attendance:

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy O'Banner, Councilmember Alfred Washington, Councilmember Charlie Simmons, Town Clerk Matthew Garnes, Town Attorney Tom Johnson and Police Chief Gregory Alexander.

Absent: Councilmember Michelle Hagan

Media Present: Lowcountry Inside Track Ltd.

Call to Order:

Mayor Moore called the Tuesday May 11, 2021 Town Council Meeting to order at 6:30PM.

Pledge of Allegiance & Invocation:

Council Member O'Banner gave the invocation and lead the Pledge of Allegiance.

Consent of the Agenda:

Mayor Moore asked for a motion to approve the Agenda as presented. Council Member Simmons made the motion. There was no discussion on the motion. Second by Council Member Washington, all in favor. **Motion Passed**

Mayor Moore asked for a motion to approve the April 13, 2021, Town Council Meeting Minutes as presented. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Simmons, all in favor. **Motion Passed**

Proclamations & Hearings:

Mayor Moore read a Proclamation designating the week of May 22 – 28, 2021 as National Safe Boating Week within the Town of Yemassee.

Old Business:

Mayor Moore read proposed Ordinance 21-11, Consideration of an Ordinance Approving Annexation of One Parcel of land, totaling 0.88 Acres located on Thomas Street, Hampton County TMS: 198-00-00-068. The applicant is Willie Williams, and the

property is currently undeveloped. The parcel is currently zoned General Development by the Hampton County Zoning Code. The proposed zoning upon annexation would be General Residential. General Residential allows for single family dwellings as well as mobile homes. There is no proposed change in use because of the annexation. Mayor Moore asked for a motion to approve second and final reading. Council Member Washington made the motion. There was no discussion. Second by Council Member O'Banner. All in favor, **Motion Passed.**

Mayor Moore read proposed Resolution 21-19, Approving Adoption of the 2020 Lowcountry Natural Hazard Mitigation Plan. Mr. Garnes advised the Council that the mitigation plan identifies ways for the Lowcountry region to avoid property damage because of natural disasters. By approving adoption, Lowcountry Council of Governments remains eligible to apply for grants pertaining to disaster planning/mitigation within the Town of Yemassee. Mayor Moore asked for a motion to adopt Resolution 21-19. Council Member Simmons made the motion to adopt the Resolution. There was no discussion. Second by Council Member O'Banner. All in favor, **Motion Passed.**

Mayor Moore read proposed Resolution 21-20, Encouraging the Use of Facial Coverings within the Town of Yemassee. Mr. Garnes reminded the Town Council that the mask ordinance expired this past Sunday morning at 12:01am and this resolution merely encourages people to wear masks when one cannot adequately social distance. Store owners now retain the right to require facial coverings within their business as a condition of service. Council Member O'Banner remarked that we need to follow the science and we are not quite out of the woods yet. Council Member Simmons stated that he didn't agree with it. Mayor Moore responded that this is not a law or ordinance, simply a resolution encouraging use. Council Member O'Banner made the motion to adopt the Resolution. There was no discussion. Second by Council Member Washington. Council Member Simmons Nay, Mayor Moore Aye, **Motion Passed.**

Mayor Moore read proposed Ordinance 21-14, Consideration of an Ordinance Amending Portions of the Town of Yemassee Code, within Chapter 12 (Parks & Recreation), including renaming the chapter to "Parks, Recreation & Public Property". Mr. Garnes reported that this cleaned up several outdated portions of the chapter. Council Member O'Banner made the motion to approve first reading. There was no discussion. Second by Council Member Washington. All in favor, **Motion Passed.**

Department Reports

- Police Department – Chief Alexander advised the Police Department continues to be down two officers who are out on Workman's Comp due to injury. Chief and some Officers attended the Zone D meeting which was a success.

- Administration – Town Clerk Basketball Court Project is underway, there is a COVID-19 testing event on the 17th.
- Public Works – No report
- Municipal Court – No Report

Public Comment:

See attached.

Adjournment

Mayor Moore asked for motion to adjourn. Council Member Simmons made the motion to adjourn. Second by Council Member O'Banner. All in favor, **Meeting Adjourned at 7:10PM.**

DRAFT



May 11, 2021

Yemassee Town Council
Attn: Town Clerk, Mr. Matthew Garnes

Mayor Moore and Council Members,

Please accept these written comments in support of the Request for Proposal for a Comprehensive Plan update on behalf of the Coastal Conservation League, agenda item VI A. Due to a scheduling conflict, I regret I am not able to attend your meeting this evening in person but appreciate the opportunity to provide public comment.

As we have indicated in previous public comment over the past several months, an update to the Comprehensive Plan is critical in order to ensure Yemassee grows responsibly over the next 10 years. An updated Comprehensive Plan will be a helpful tool to protect the Town's historical, cultural, and natural resources. The update process allows the Town to take stock of its current population demographics, economic status and opportunities, resilience status, housing stock, and natural and cultural resources. With that baseline information and understanding, the Comprehensive Plan will then lay out a plan for future growth, development, and conservation, including recommendations for updates to zoning and building codes and ordinances. We further hope the updated plan includes recommendations for implementing an urban growth boundary.

Considering Yemassee's current growth patterns—the Town has expanded more than 5 square miles in just 3 years—the time to update the Comprehensive Plan and relevant zoning codes and ordinances is now. We urge Council to approve the release of the request for proposals so that the process of updating the plan may begin as soon as possible.

We applaud the Town taking this major step toward thoughtful growth planning and commend staff's efforts, especially Mr. Garnes, in working to initiate this process. The Coastal Conservation League is invested in the success of this endeavor. We look forward to participating in stakeholder meetings and providing resources and support for the chosen contractor and the Town as progress is made toward this important goal.

Respectfully,

Juliana M. Smith
South Coast Project Manager
843.522.1800 | julianas@scccl.org

Colin J Moore
Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Clerk



Council Members
Michelle Hagan
Charlie Simmons
Alfred Washington

Town Council Agenda Item

Subject: Ordinance 21-14, Consideration of 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 Article(s); I, General and Article II, Penalty.

Department: Administration

Attachments:

Ordinance ___ Resolution _____ Motion

Support Documents _____ Other

Summary: At the May Council meeting, Town Council approved first reading on this Ordinance which updates portions of Chapter 12 of the Yemassee Town Code. Staff deleted outdated and no longer applicable sections and added new sections to better handle potential situations that may arise with the increased demand after the Town improving its recreational offerings. No modifications have been made since the first reading.

Recommended Action: Approve the second and final reading of Ordinance 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 Article(s); I, General & Article II, Penalty.

Council Action:

- ___ Approved as Recommended
- ___ Approved with Modifications
- ___ Disapproved
- ___ Tabled to Time Certain
- ___ Other

ATTACHMENTS:

ATTACHMENT A: Existing Text of Chapter 12, "Parks and Recreation"

ATTACHMENT B: Proposed updates to Chapter 12, "Parks, Recreation & Public Property"

ATTACHMENT C: Ordinance 21-14

CHAPTER 12. PARKS AND RECREATION

ARTICLE I. IN GENERAL

- 12.101. Public Park Defined.
- 12.102. Application.
- 12.103. Closing Hours.
- 12.104. Injury to Shrubbery, Flowers, etc.
- 12.105. Injury to Structures or Personalty.
- 12.106. Leaving Trash, etc., in Public Park.
- 12.107. Bills, Posters and Advertising Prohibited.
- 12.108. Selling in Public Parks.
- 12.109. Intoxicating Liquors. Disorderly Conduct, etc. Drugs.
- 12.110. Motor Vehicle Traffic in Parks.
- 12.111. Picnic Regulations.
- 12.112. Camping. Fires.
- 12.113. Fireworks in Parks.
- 12.114. Firearms. Dangerous Weapons.
- 12.115. Park Restrictions.
- 12.116. Enforcement.
- 12.117. Lease and Rental.
- 12.118. Tournaments.

ARTICLE II. PENALTIES

- 12.201. Penalty.

CHAPTER 12. PARKS AND RECREATION

ARTICLE I. IN GENERAL

Editor's Note. This chapter derives from 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. IN 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.

12.102. APPLICATION.

This chapter shall apply to all town parks and/or recreation facilities now or hereafter within The Town of Yemassee.

12.103. CLOSING HOURS.

The closing hour for all parks and/or recreation facilities owned by the town and within the town limits of Yemassee shall be 10:00 p.m.

12.104. INJURY TO SHRUBBERY, FLOWERS, ETC.

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 PERSONALTY.

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. LEAVING TRASH, ETC., IN PUBLIC PARK.

It shall be unlawful for any person to deposit, 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.

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.

12.108. SELLING IN PUBLIC PARKS.

It shall be unlawful for any person, except such as may have a permit or concession from the Council, to sell or offer for sale within any public park any cold drinks, fruits, eatables, cigars, tobacco or other merchandise.

12.109. INTOXICATING LIQUORS, DISORDERLY CONDUCT, ETC. DRUGS.

a. It shall be unlawful for any person to carry into any public park any intoxicating liquors, to drink 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 or 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 any 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 the recreations facilities.

12.110. MOTOR VEHICLE TRAFFIC IN PARKS.

a. It shall be unlawful for any motor vehicle to be driven in any public park at a greater rate of speed than fixed by traffic signs erected therein, nor shall any such vehicle be parked in any of the driveways without being drawn well to the right, so as not to impede, obstruct or interfere with the free passage on such driveway of other vehicles and traffic. At night, both moving and parked motor vehicles shall be provided with adequate lights, front and rear.

b. It shall be unlawful to fail to obey all traffic officers and Recreational Department members; such persons being authorized and instructed to direct traffic whenever and wherever needed in the park.

12.111. PICNIC REGULATIONS.

a. It shall be unlawful to picnic or lunch in a place other than those areas designated for that purpose. The Park and Recreation staff shall 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. to leave the picnic area before fire is completely extinguished and 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 refuse and trash shall be carried away from the park area by the user and properly disposed of elsewhere.

12.112. CAMPING. FIRES.

a. It shall be unlawful to camp in any area without written permission from the Recreation Commission. 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 purpose, such as a camper-trailer or the like.

b. No fires shall be allowed except in grills and camp stoves. All fires must be thoroughly extinguished after use.

12.113. FIREWORKS IN PARKS.

It shall be unlawful to bring or have in his possession, or set off or otherwise cause to be exploded or discharge or burn any firecracker or other fireworks or explosives or discharge or throw them into any such land or highway adjacent thereto, unless specifically authorized by the Recreation Department.

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 when engaged in the course of their duties.

12.115. PARK RESTRICTIONS.

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

12.116. ENFORCEMENT.

a. The Director of the Yemassee Recreation Facilities 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 Parks and Recreation Director and any authorized department employee shall have the authority to eject from any recreation facility any person acting in violation of this article, or in violation of rules and regulations enacted pursuant to this article or any other ordinance adopted by the Recreation Department.

c. The Yemassee Police Department or any duly authorized agent of the town may draw warrants, issue citations or take such other legal measures as may be allowable to enforce the terms and provisions of this article.

12.117. LEASE AND RENTAL.

Any person or persons entering into a lease or rental agreement with any recreation facility agrees to hold harmless the town, Recreation Department and staff of any injuries or deaths incurred while using the facilities. The sponsor shall assume full responsibility.

12.118. TOURNAMENTS.

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

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 Yemassee after the official closing hour of 10:00 p.m. without the express written consent of the Director of Recreation or his authorized representative or the written permission of representatives of The Town of Yemassee 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 Recreation Department and/or officers or representatives of The Town of Yemassee 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)

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 traffic officers. Fail to obey all traffic 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 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.

5.112. 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.

5.113. 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.

5.114. 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.

5.115. 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.

5.116. 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.

5.117. 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.

5.118. 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.

5.119. 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.

5.120. Tournaments.

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

5.121. 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.

5.122. 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 5.123 – 5.199. 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)

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 _____ DAY OF _____, 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: _____

Second Reading: _____

(seal)

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Clerk



Council Members

Michelle Hagan

Charlie Simmons

Alfred Washington

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending the Town of Yemassee Schedule of Rates & Fees. (Ordinance 21-15)

Department: Administration

Attachments:

Ordinance Resolution Motion

Support Documents Other

Summary: The Town of Yemassee Town Council adopted its current schedule of rates and fees in December 2020. Town Staff had added additional fees for development plan applications and amendments, Sign Permits, Development Surety, Major/Minor Subdivision applications as well as new PUD Applications & Amendments and PUD Master Plan applications, amendments, and extensions. The Town desires to have fees in place should a developer submit a plan within the Town. Reviewing these applications are a time-consuming process with several layers of review and meetings.

Recommended Action: Approve first reading of Ordinance 21-15.

Council Action:

Approved as Recommended

Approved with Modifications

Disapproved

Tabled to Time Certain

Other

Yemassee Municipal Complex

101 Town Cir P.O. Box 577 Yemassee, SC 29945-0577

Telephone (843) 589-2565 Fax (843) 589-4305

www.townofyemassee.org

ATTACHMENTS:

ATTACHMENT A: Existing Schedule of Rates & Fees

ATTACHMENT B: Proposed Update to Schedule of Rates & Fees

ATTACHMENT C: Ordinance 21-15

The Town of Yemassee, South Carolina

Schedule of Rates & Fees

December 8, 2020

Description	Fee
Filing Fee for Office of the Mayor	\$300.00
Filing Fee for Office of Council Member	\$150.00
Fee for impounding dogs running at large	\$10.00 per day
Returned Check Fee	\$36.00
Garbage Collection Fee per month (96gal Roll Cart): *Available for Residents inside corporate limits only*	\$12.00
Residential	\$24.00
Commercial (96gal Roll Cart)	
Replacement Fee for damaged/destroyed Town owned Trash Cans (due to gross owner negligence, not normal wear & tear or stolen cans)	\$65.00
Annual License Fee for Operating Advertising Signs within the corporate limits. (Billboards)	\$100.00
Gas Permit Fee	\$70.00
HVAC Permit Fee	\$70.00
Electrical Permit	\$70.00
Dock Permit	\$150.00
Residential Remodel Permit	\$245.00
Pool/Spa Permit	\$150.00
Construction Trailer Permit	\$100.00
Penalty for Working without Permit	Value of Permit Fee x 2

Hospitality Tax (Collected by ALL businesses engaged in the sale of prepared food and beverage	2% per quarter
Accommodations Tax (Collected by ALL businesses engaged in the operation of short-term lodging facilities	3% per quarter
Exempt Plat Stamping	\$25.00
Police Report Fee (No fee for Victims) Fee assessed to Insurance Companies	\$10.00
Community Center Rental	\$125.00 \$100 Security Deposit
Lost/Damaged Keycard Fee	\$25.00
Harold Peeples Field Rental (Per Day)	\$250.00 Fee \$100.00 Deposit
Lost/Damaged Keycard Fee	\$25.00
Printing, Reproduction, Documents Black and White Photocopies (8.5" X 11" or smaller) Color Photocopies Photocopies Larger than 8.5" X 11" Photocopies Plotter/Large Format Copies of Plans CD Copy Staff Time making copies (no less than a 30-minute charge)	Per Page \$0.20 Per Page \$0.25 Per Page \$0.25 Per Page \$6.00 Per Disc \$5.00 Per Hour \$25.00
Residential Construction Permit	\$490.00
Commercial Construction Permit (Less than \$1,000,000 valuation)	\$1650.00
Commercial Construction Permit (Greater than \$1,000,00 valuation)	\$2650.00
Police Services Off-Duty Police Officer (Per Officer, Per Hour Basis)	\$42.50

The Town of Yemassee, South Carolina

Schedule of Rates & Fees

June 2021

Section I – General Fees

Item/Description	Basis	Fee
Printing, Reproduction, Documents		
Black and White Photocopies (8.5" X 11" or smaller)	Per Page	\$0.20
Color Photocopies	Per Page	\$0.25
Photocopies Larger than 8.5" X 11"	Per Page	\$0.25
Photocopies Plotter/Large Format Copies of Plans	Per Page	\$6.00
CD Copy	Per Disc	\$5.00
Staff Time making copies (no less than a 30-minute charge)	Per Hour	\$25.00
Election Fees		
Filing Fee for Office of the Mayor	Per Election	\$300.00
Filing Fee for Office of Councilmember	Per Election	\$150.00
Finance Fees		
Returned Check (NSF)	Per Occurrence	\$36.00
Impounding Dogs Running at Large	Per Day	\$10.00
Residential Garbage Collection (96 Gallon Roll Cart)	Per Month	\$12.00
Commercial Garbage Collection (96 Gallon Roll Cart)	Per Month	\$24.00
Commercial Garbage Collection (2 Yard - Once weekly)	Per Month	\$78.15
Commercial Garbage Collection (2 Yard – Twice a week)	Per Month	\$117.93
Commercial Garbage Collection (4 Yard – Once Weekly)	Per Month	\$102.57
Commercial Garbage Collection (4 Yard – Twice a week)	Per Month	\$151.90
Commercial Garbage Collection (6 Yard – Once Weekly)	Per Month	\$116.90
Commercial Garbage Collection (6 Yard – Twice a week)	Per Month	\$179.90
Commercial Garbage Collection (8 Yard – Once Weekly)	Per Month	\$139.90
Commercial Garbage Collection (8 Yard – Twice a week)	Per Month	\$239.90
Roll Cart Replacement Fee (Due to gross neglect)	Per Occurrence	\$65.00
Advertising Billboard Annual Fee – Each Side	Annually	\$100.00

(Remainder of this page intentionally left blank)

Section II – Police Department Fees

Item/Description	Basis	Fee
Police Services		
Off Duty Police Officer	Per Officer, Per Hour	\$42.50
Police Report / TR-310 for Insurance Companies No Fee for Victims	Per Report	\$10.00

(Remainder of this page intentionally left blank)

Section III – Business License Fees

Item/Description	Basis	Fee
Taxation Fees		
Hospitality Tax	Per Quarter	2% on Prepared Food & Beverage
Local Accommodations Tax	Per Quarter	3% on Transient Lodging
Hospitality / Accommodation Tax Late Penalty	Per Month	5% on the 21 st following the end of reporting quarter, 10% each month thereafter
Facility Rentals		
Community Center Rental	Per Day	\$125.00
Community Center Security Deposit (Per Day)	Per Day	\$100.00
Lost/Damaged Keycard Fee	Per Occurrence	\$25.00
Harold Peeples Ballfield Rental	Per Day	\$250.00
Harold Peeples Ballfield Security Deposit	Per Day	\$100.00
Lost/Damaged Keycard Fee	Per Occurrence	\$25.00
Additional Notes:		
<ul style="list-style-type: none"> • The Mayor, Town Council or Town Clerk may waive any or all fees if it is deemed in the best interest of the Town. • All vendors operating at Town facilities must possess and maintain a valid Business License. Alcohol is not permitted at any Town of Yemassee facility. 		

(Remainder of this page intentionally left blank)

Section VI – Building Fees

Item/Description	Basis	Fee
Construction Permits		
New Residential Construction Building Permit	Per Unit	\$490.00
Residential Remodel Permit	Per Unit	\$245.00
New Commercial Construction Permit (< \$1,000,000 valuation)	Per Unit	\$1650.00
New Commercial Construction Permit (> \$1,000,000 valuation)	Per Unit	\$2650.00
Miscellaneous Permits		
Construction Trailer Permit	Per Permit	\$100.00
Dock Permit	Per Permit	\$70.00
Electrical Permit	Per Permit	\$70.00
Gas Permit	Per Permit	\$70.00
HVAC Permit	Per Permit	\$70.00
Pool/Spa Permit	Per Permit	\$150.00
Sign Permit	Per Permit	\$50.00
Penalty for Working without Permit	Per Occurrence	Value of Permit Fee x 2
Planning Application Permits		
Development Plan Application Submission	Per Application	\$250.00
Development Plan Amendment	Per Application	\$125.00
Development Surety	Per Submission	\$25.00
Exempt Plat Stamping	Per Plat	\$25.00
Major Subdivision Application and Plat Stamping <i>(Subdivision of one parcel into more than 8)</i>	Per Application	\$100.00
Minor Subdivision Application and Plat Stamping <i>(Subdivision of one parcel into between 2 – 8 parcels)</i>	Per Application	\$100.00
PUD Concept Plans:		
• New Application	Per Application	\$500.00
• Amendment	Per Amendment	\$250.00
PUD Master Plans:		
• New Application	Per Application	\$500.00
• Amendment	Per Amendment	\$250.00
• Extension	Per Extension	\$250.00
Public Project Application	Per Application	\$0.00
Additional Notes: <ul style="list-style-type: none"> All permits are valid for six months from date of issue. New construction, including new residential or commercial building permits may be renewed once, for free, after six months. No permit shall be extended for an additional being renewed once. 		

AN ORDINANCE OF THE TOWN OF YEMASSEE (21-15)

Exhibit 1 – Schedule of Rates and Fees

TO AMEND THE SCHEDULE OF RATES AND FEES FOR THE TOWN OF YEMASSEE, SOUTH CAROLINA, AS SHOWN AS EXHIBIT ONE IN THE YEMASSEE TOWN CODE; TO PROVIDE FOR A MASTER FEE SCHEDULE FOR TOWN ASSESSED FEES; AND TO ALLOCATE WHAT SERVICES ASSESS FEES.

WHEREAS; The Town of Yemassee Schedule of Rates and Fees is periodically updated to adjust for fees assessed by the Town of Yemassee, and;

WHEREAS; The current fee schedule required updates to certain fees for Development Plan Permits and Major/Minor Subdivision applications, and;

WHEREAS; The “Section I - General Fees” page of the Schedule of Rates & Fees is amended include the existing charges for commercial refuse collection with dumpsters ranging from 2 yard – 6 yard and prices for weekly pickup or a twice a week pickup, and;

WHEREAS; The “Section VI – Building Fees” page of the Schedule of Rates & Fees is amended to add a fee for a Sign Permit Application and along with the addition of application fees for Development Plan Applications, Development Plan Amendments, Development Surety Application, Major and Minor Subdivision Applications, Planned Unit Development Concept Plans including both new applications and amendments, and Planned Unit Development Master Plan Applications, Amendments and Extensions.

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 be effective upon its enactment by the Town Council for the Town of Yemassee.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF YEMASSEE ON THIS ___ DAY OF _____, 2021.

Colin J. Moore, Mayor

Peggy Bing-O’Banner, Mayor Pro-Tem

Michelle B. Hagan, Council Member

Charlie E. Simmons, Council Member

Alfred Washington, Council Member

ATTEST: Matthew E. Garnes, Town Clerk

1st Reading: _____

2nd Reading: _____

APPROVED AS TO FORM AND CORRECTNESS: _____

Tom Johnson, Town Attorney

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Clerk



Council Members

Michelle Hagan

Charlie Simmons

Alfred Washington

MAY 2021 ADMINISTRATION MONTHLY REPORT

New Business Licenses Issued (5/1/21 – 6/7/21)

Date	License No.	Business
05/03/21	210169	Triple K Construction
05/05/21	210170	Creative Cutz Barbershop
05/05/21	210171	COMDOC, Inc.
05/10/21	210172	Old South Exterminators, Inc.
05/10/21	210173	Sign D'Sign Venture, Inc.
05/11/21	210174	Southern Carolina Builders, LLC.
05/13/21	210175	Adams Outdoor Advertising, L.P.
05/13/21	210176	Alpha Genesis, Inc.
05/13/21	210177	Voices of Tomorrow Childcare, LLC.
05/14/21	210178	Wise Batten, Inc.
05/17/21	210179	Valley Proteins, Inc.
05/18/21	210180	CJM Signs, LLC.
05/19/21	210181	Daddy & Daughter Lawncare Service
05/19/21	210182	Graybar Fence Company, Inc.
05/20/21	210183	Coastal Tree Service
05/20/21	210184	Smokin Leggalicious Food Truck
05/26/21	210185	A3J Glass
05/26/21	210186	Pye-Barker Fire and Safety, Inc.
05/26/21	210187	Beauty Within
05/27/21	210188	Aleithis Appraisals, LLC.
05/28/21	210189	Jabez Investments, LLC.
06/01/21	210190	Papadidntpreach
06/02/21	210191	Papi Ice Treats
06/02/21	210192	Oak Plaza Trailer Park
06/04/21	210193	Candied Inspirations

Yemassee Municipal Complex

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