
STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2023-1845**
COUNTY OF LANCASTER)

AN ORDINANCE

TO AMEND THE LANCASTER COUNTY CODE RELATED TO RULES AND REGULATIONS FOR LANCASTER COUNTY PARKS AND RECREATION AREAS/FACILITIES.

WHEREAS, Lancaster County intends to establish rules and regulations for public parks and recreation areas/facilities under the jurisdiction of Lancaster County to insure the security and general welfare of its citizens as permitted by SC Code Ann. §4-9-25; and

WHEREAS, Lancaster County intends to provide that violations of such rules and regulations shall be penalized as provided in SC Code Ann. §4-9-30(14); and

WHEREAS, Lancaster County intends to provide for the enforcement of said ordinance by employees of the Lancaster County Parks and Recreation Department as well as other duly authorized Lancaster County employees and by deputies of the Lancaster County Sheriff's Office or other law enforcement officers;

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

SECTION I. Repeal of Prior Ordinances

The Lancaster County Code of Ordinances is hereby amended to repeal Chapter 24, Article 1 – Parks and Recreation – In General

SECTION II Title

Lancaster County Code of Ordinances is hereby amended to add a new Chapter 24, Article 1 – Parks and Recreation – Rules and Regulations as follows:

Sec. 24-1. Authority of the director of the county parks and recreation department; implementation of rules specific to certain parks and recreation areas/facilities and/or programs.

The director of the county parks and recreation department (the "director"), with the approval of the county administrator, shall have the authority to implement necessary rules and regulations concerning the conduct, admission, and regulation of users of all county parks and recreation areas/facilities open to the general public which may not be addressed herein or which are specific to certain parks or areas/facilities and/or program which are not inconsistent with the provisions of this article. The director shall notify the county administrator in writing 30 days prior to the implementation of such rules and regulations.

Sec. 24-2. Hours of use; access.

- (a) No person shall enter a public park and/or recreation facility or area without regard to restrictions on public use. These restrictions on public use shall include subsections (b)—(d) below, and a violation of such provisions shall be considered to be a violation of this subsection.
- (b) All public parks located within the county shall, except as otherwise set out, be closed from 10 pm to 6 am, each day, including Sunday. It shall be unlawful for any person to enter or remain in such public parks and/or recreation facility or areas during such closed hours; however, the hours when public parks and/or recreation facility or areas are closed shall not apply to persons using such public parks and public recreation facilities/areas for the purpose of putting in or removing boats, using the parks for fishing or for camping in designated camping areas within the parks. The park should be closed to all nongame spectators or the general public at 10 pm. All rentals are required to vacate the property by 11:00 pm or at the natural conclusion of the game in progress. No new games are allowed to start after 9:00 pm unless approved by the athletic department supervisor.
- (c) No person shall make, use, or gain admittance to, or attempt to use, or gain admittance to facilities within any park and/or recreation facility or area, for which a charge is made, without paying the fee.
- (d) No person shall remain within any park and/or recreation facility or area if he/she refuses to pay the required fee to enter and use the park and/or recreation facility or area or service in a posted, designated fee area.
- (e) Whenever a threat to public health or safety exists in any park and/or recreation facility or area resulting from any natural cause, explosion, accident or any other cause, or by riot or unlawful assembly or activity, the director of parks and recreation may close the park and/or recreation facility or area or any part thereof to the public for such duration as he deems necessary to ensure the safety and well-being of the public.

Sec. 24-3. Prohibited acts.

It shall be unlawful for any person to commit any of the following acts at any county park or recreation area/facility:

- (1) Destroying, defacing, disturbing, disfiguring, or removing any part of any building, sign, structure, or equipment.
- (2) Destroying, cutting, breaking, removing, defacing, mutilating, injuring, taking, or gathering any tree, shrub, other plant or plant part, rock, mineral, or geological feature except by permit issued by the parks and recreation department.
- (3) Killing, harming or harassing any mammal, bird, reptile or amphibian, except by permit issued by the department.
- (3) Hunting in any area.

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- (4) Building any fire in any place other than those specifically designated for such a purpose.
 - (5) Disposing of litter, garbage, or other refuse in places or receptacles other than those specifically provided for such purpose. Such unlawful disposing of litter, garbage, or refuse shall include:
 - a. Dumping any refuse or waste from any trailer or other vehicle except in places or receptacles provided for such use.
 - b. Cleaning fish or food, or washing clothing or articles for household use in any sink or at any faucet located in restrooms.
 - c. Polluting or contaminating any water used for human consumption.
 - d. Using county park or recreation area/facility refuse containers or facilities for dumping household or commercial garbage or trash brought as such from private property.
 - e. Depositing, except into receptacles provided for that purpose, any body waste, or depositing any bottles, cans, clothes, rags, metal, wood, stone, or other damaging substance in any fixture in any restroom or other structure.
 - (6) Possessing any firearm (in contradiction to any provision of the Code of Laws of South Carolina pertaining to firearms), air gun, explosive, or firework, except by duly authorized park personnel, law enforcement officers, or persons using areas specifically designated by the director of the parks and recreation department for use of firearms, air guns, fireworks, or explosives.
 - (7) Operating vehicles in a careless manner, or in excess of posted speed limits, or in areas other than those specifically intended for vehicular traffic. A violation of any of the following provisions constitutes the unlawful operating of a vehicle:
 - a. Motorbikes, minibikes, mopeds, motor scooters, go-carts, and any other types of motorized vehicles shall not be driven in any area or on any trail not intended for their use. Only licensed and insured motorized vehicles shall be allowed on park or recreation area roads, unless specifically approved by the director of the parks, recreation and tourism department or the park superintendent.
 - b. No motorized vehicle of any kind shall be allowed on horse trails, hiking trails, or beach areas unless utilized for ADA mobility.
 - c. Motor vehicles shall not be driven on roads in developed recreation sites for any purpose other than access into or egress out of the site by persons lawfully using or occupying such areas.
 - (8) Using privately owned boats or gasoline motors on any waters lying within the jurisdiction of the county in a reckless or careless manner or in violation of any posted rules and regulations including, but not limited to, wake zones.
 - (9) By way of example and not limitation, the following are generally prohibited from taking off, landing, or operating on or within county parks and recreation areas: Airplanes, including ultralight aircraft; unmanned flying aircraft (drones,

unmanned aircraft systems, remote controlled model aircraft, and the like); balloons; parachutes; or other apparatus for aviation. In some limited circumstances, certain of these machines may be operated within designated areas of county parks and recreation areas/facilities after the operator obtains a special activity permit.

- (10) No person using or occupying public park and recreation areas/facilities shall possess or consume any alcoholic beverage, of any type. The county administrator may, upon notification of such request by the director of the county parks and recreation, however, allow a county park or recreation area to be used for a private social function at which alcoholic beverages may be legally consumed at such place, time, and circumstances as allowed by the county administrator.
- (11) Acting in a disorderly manner or creating any noise which would result in annoyance to others. Acting in a disorderly manner shall include inciting or participating in riots, or indulging in boisterous, abusive, threatening, indecent, or disorderly conduct or other breaches of the peace. In addition to other authorized penalty provisions, anyone in violation of this subsection may be ejected from the park or recreation area and shall not be entitled to a refund of any fee or rental.
- (12) Entering or remaining within the limits of the park or recreation area while in an intoxicated or drug-impaired condition.
- (13) Making or continuing or causing any excessive noise in violation of Section 23-21 et seq. of the Lancaster County Code of Ordinances. In addition, no person shall operate or use any public address system, whether fixed, portable or vehicle mounted, except when such use or operation has been approved by the director of the parks and recreation.
- (14) Engaging in or soliciting business within a park or recreation area/facility except where authorized by the director of the parks and recreation department, and no person shall distribute, post, place or erect any bills, notices, paper, or advertising device or matter of any kind without consent of the director of the parks and recreation department.
- (15) Swimming in areas not designated for the purpose and/or failing to obey all posted rules while swimming.
- (16) Bringing a dog or any other animal into a park or recreation area/facility unless it is crated, caged or upon a leash not longer than six feet or otherwise under physically restrictive control at all times. For this purpose:
 - a. No person shall leave any dog or other animal unattended within any park or recreation area/facility.
 - b. No person shall keep in a park or recreation area/facility a noisy, vicious, or dangerous dog or animal, or one which is disturbing to another person after he has been asked to remove such animal.
 - c. No person shall bring a saddle, pack, or draft animal into a site, which has not been developed to accommodate it.

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- d. The owner of any animal shall be responsible for cleaning up and properly disposing of any waste from such animal.
- (17) All posted speed limits and other regulations shall be followed.
- (18) Day use recreation areas/facilities and picnic areas are available on a first come first serve basis unless reserved. The recreation buildings and some shelters are available by reservation only.
- (19) No glass containers allowed in any park area.
- (20) It shall be unlawful for any person, except with a permit or concession from the county parks and recreation department, to sell or offer for sale within any public park or recreation area/facility any cold drinks, fruits, food, tobacco or other merchandise.
- (21) No person shall appear in public in such a manner that one's genitalia or a females breasts are unclothed or exposed. This subsection does not apply to a female who is breastfeeding her own child.
- (22) No person shall use a bench or other sitting area so as to interfere with its use by other persons, including storing any materials thereon.
- (23) No person shall engage in camping, or erect or maintain a tent, shelter, or camp in any park without approval from the director of the department.
- (24) No person shall use, or permit any animal under his or her control to use, any fountain, drinking fountain, pool, sprinklers, reservoir, lake or any other water contained in the park for the purpose of washing or cleaning himself or herself, his or her clothing or other personal belongings.
- (25) No person shall refuse to vacate any park property or recreation facility/area when requested to do so for a scheduled parks and recreation event or approved event.
- (26) No person shall use a metal detector in any fenced-in area or upon any athletic field or archeological site

Sec. 24-4. Penalty for violation of article.

Any person violating the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-10 of the Lancaster County Code of Ordinances.

SECTION III. Severability

If any section, subsection or clause of this Ordinance is held to be unconstitutional or otherwise invalid, the validity of the other sections, subsections and clauses shall not be affected.

SECTION IV. Conflicting Provisions

To the extent this Ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County Ordinances, the provisions contained in this Ordinance supersedes all other provisions and this Ordinance is controlling.

SECTION V. Effective Date of Ordinance

This Ordinance is effective upon passage of Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	July 17, 2023
Second Reading:	August 14, 2023
Public Hearing:	August 14, 2023
Third Reading:	August 28, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney