

ORDINANCE NO. 2024-7

AN ORDINANCE TO AMEND CHAPTER 22, PARKS AND RECREATION OF THE CITY OF BARNWELL, SOUTH CAROLINA, CODE OF ORDINANCES.

WHEREAS, the Mayor and City Council find it necessary to authorize the City Administrator to post necessary rules and regulations for the protection of property and the preservation of peace and order in all public parks, playgrounds, gathering areas, and public facilities owned and maintained by the City; and

WHEREAS, the Mayor and City Council find it to be in the best interest of the City to revise Chapter 22, describe and to provide the penalty for certain prohibited acts; and,

WHEREAS, the Mayor and City Council find it necessary and prudent to adopt the following.

Chapter 22 – PARKS AND RECREATION

Sec. 22-12. - Rules and regulations for public parks, playgrounds, gathering areas, and public facilities.

- (a) The City Administrator is hereby authorized to post necessary rules and regulations for the protection of property and the preservation of peace and order in all public parks, playgrounds, gathering areas, and public facilities owned and maintained by the City.
- (b) Such rules and regulations are hereby adopted by reference as if fully contained in this section.
- (c) Violations of these rules and regulations adopted and posted pursuant to this section shall be treated severally for each such violation of this section.

Sec. 22-13. – Prohibited Acts

- (a) The following acts are prohibited in all public parks and other publicly owned facilities/grounds:
 - (1) Because of the interference of the park use by others is inherent in the conduct of sleeping or reclining in a horizontal position in inappropriate places, no person shall sleep or recline, except in medically exigent circumstances, behind, on or in as the circumstances apply to park buildings, pavilions, shelters, restrooms, trash receptacles, benches, picnic tables, as well as recreational activity areas (such as athletic courts and playing fields, dug outs, and playgrounds), pedestrian or vehicular traffic ways (such as roads, sidewalks, bike paths, and jogging paths), and landscaped areas (such as mulched flower gardens, hedge planting areas, and cultivated planters).
 - (2) *Unlawful to use the parks after hours.* No person shall enter upon the premises of any park, playground, public gathering area or public facility during the hours that such are closed to the public. No person shall use, occupy or congregate in

these facilities at times other than the approved hours of access. No person shall remain upon the premises of any of these facilities during the hours that such are closed to the public. (See exceptions in Sect. 14)

- (3) *City Property*. It shall be unlawful to camp or to store personal property in any park, playground, public gathering area, and or publicly owned area or facility owned by the City.
 - (4) *Public streets*. It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public street.
 - (5) *Other public property—Blocking ingress and egress*. It shall be unlawful to camp, to sleep, to store personal property, to sit or lie down on any public property so as to interfere with ingress or egress from public property and buildings.
 - (6) No person may be arrested for violating this Code section until he or she has received an oral and written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he or she is subject to arrest for violation of this section.
 - (7) *Exceptions*. This Code section shall not be construed to prohibit the following behavior:
 - a. Persons sitting or lying down as a result of a medical emergency;
 - b. Persons in wheelchairs sitting on sidewalks;
 - c. Persons sitting down while attending parades and which do not impede the parade;
 - d. Persons sitting down while patronizing sidewalk cafes;
 - e. Persons lying down or napping while attending performances, festivals, concerts, fireworks, or other special events;
 - f. Persons sitting on chairs or benches supplied by a public agency or the abutting private property owner;
 - g. Persons sitting on seats in bus zones occupied by people waiting for the bus;
 - h. Persons sitting, lying down, or sleeping while waiting in an orderly line outside a box office to purchase tickets to any sporting event, concert, performance, or other special event;
 - i. Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters, or awaiting social services, such as provision of meals;
 - j. Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage;
 - k. Camping as permitted by the City; or
 - l. Individuals or families picnicking.
- (b) It shall be unlawful and prohibited for any person or entity to make, continue, or allow to be made or continued, any clamorous singing, yelling, shouting, whooping, bellowing, hollering, or other loud disruptive, wanton and unseemly noises by mouth and/or with the use of any device used to amplify sound which disturbs the peace and quiet of the facility or prohibits or substantially affects the ability to conduct business within the facility, whether said disruptive behavior is generated from within or from the outside of the facility. It shall be unlawful and prohibited for any person or group to picket, demonstrate or parade within the confines of any public facility.

Sec. 22-14. - Park hours.

(a) All parks and playgrounds within the city shall close between the hours of 10:01 p.m. and 7:00 a.m. on each day of the week, except when an activity has been officially authorized by the recreation department or city officials during those hours. Any person who shall go onto a park or playground within the city during the closing hours, as herein set out, without the permission of the recreation department or city officials, shall be guilty of a misdemeanor.

(1) *Exceptions:* Two exceptions to park hours

- a. *Lemon Park* – when in use by an official organization (such as the BBSA) or other city recreational teams during practice or games that run later than 10 pm and can be considered finished within a reasonable time period.
- b. *Fuller Park Basketball Courts* – lights are available for continuous play at the basketball courts as long as there is no other violations of park rules or calls to the police for additional disturbances other than the usual playing of basketball.

Sec. 22-15 - Penalties for violation of chapter.

(a) Any person found to have violated this section shall be guilty of a misdemeanor, punishable as provided in section 1-7 of this Code.

NOW, THEREFORE, BE IT ORDAINED and ordered by the Mayor and City Council of the City of Barnwell, South Carolina, in Council **duly assembled on November 4, 2024**, that Chapter 22, of the City of Barnwell Code of Ordinances is amended.

First Reading: 10-7-24

Second & Final Reading: 11-4-24

Attest:

Kim Mario Vargo
Kim Vargo, Clerk & Treasurer

Peggy Kinlaw
Peggy Kinlaw, Mayor Pro Tem

Louis Claytor III
Louis Claytor III, Council Member

Wanda Highsmith
Wanda Highsmith, Council Member

CITY OF BARNWELL, SC

Ron Still
Ron Still, Mayor

Alicia Davis
Alicia Davis, Council Member

Jana Myers
Jana Myers, Council Member

Ricky Dixon
Ricky Dixon, Council Member