ORDINANCE 2018 / 53

AN ORDINANCE OF THE COUNTY OF BEaufort, SOUTH CAROLINA,
ESTABLISHING A PASSIVE PARK ORDINANCE / CHAPTER 91 – PASSIVE PARKS

Chapter 91 – PASSIVE PARKS

ARTICLE I. – IN GENERAL

SECTION 91-100: TITLE

This ordinance shall be known as the Passive Parks Ordinance.

SECTION 91-101: PURPOSE

It is the purpose of this ordinance to:

1. Define "passive park" and the inclusion and restrictions of fee-simple County-owned properties therein.

2. Provide secure, quiet, orderly, and suitable use and enjoyment of Rural and Critical Lands Preservation Program passive parks established or managed by Beaufort County, and to further the safety, health, comfort, and welfare of all persons using them.

3. Provide a means by which federal, state, and county laws and regulations will be enforced on Beaufort County passive parks.

SECTION 91-102: DEFINITIONS

The following words and terms shall have the meaning respectively ascribed to them in this section:

1. Archaeological or cultural resources means any associated physical artifacts and features below the ground surface indicating the past use of a location by people which may yield information on the county’s history or prehistory, including but not limited to artifacts, fossils, bones, shell mounds, middens, or primitive culture facilities or items.

2. Concessions means an approved lease or memorandum of understanding between the county and a private entity for the right to undertake a specific activity in return for services and/or financial gain.

3. Daylight hours means those hours between dawn and dusk.

4. Motorized vehicles means any self-propelled vehicle, commonly wheeled, that does not operate on rails, such as trains or trams and used for the transportation of passengers, or passengers and property, such as golf carts/cars, cars, trucks, all terrain or utility vehicles, motorcycles, and motorized bicycles.
5. **Passive Park** means any fee-simple county owned or co-owned property purchased with Rural and Critical Lands Preservation Program (RCLPP) designated funding. A list of passive parks is available with the Passive Parks Manager upon request and/or on the Beaufort County website.

6. **Passive Recreation** means recreation requiring little or no physical exertion focusing on the enjoyment of one's natural surroundings. In determining appropriate recreational uses of passive parks, the promotion and development of resource-based activities such as fishing, camping, hunting, boating, gardening, bicycling, nature studies, horseback riding, visiting historic sites, hiking, etc., shall be the predominant measure for passive park utilization.

7. **Weapon** means any firearm or gun from which shot or a projectile is discharged by means of an explosive gas, or compressed air. This definition includes bows and arrows, slingshots, and switchblade knives.

8. **Wildlife** means all living creatures, not human, wild by nature, endowed with sensation and power of voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans, and mollusks.

**SECTION 91-103: IN GENERAL**

1. The County Administrator or his/her designee shall have the authority to employ a Passive Parks Manager who shall be trained and properly qualified for the work and who shall conduct and supervise planning and management activities on any of the passive park properties and facilities owned or controlled by Beaufort County.

2. The County Administrator or his/her designee is authorized to promulgate rules and regulations for the purpose of regulating the use of passive parks, including structures and facilities on such, limiting the hours during which the same shall be open to the public, and providing standards of conduct for persons while using such properties, structures, and facilities.

3. The County Administrator or his/her designee may establish fees for the use of passive park properties, structures, and facilities, subject to approval by County Council.

4. The Passive Parks Manager shall make reports to the County Administrator or his/her designee as may be requested from time to time.

5. The County Council may designate by Resolution any property as a passive park, and may request and receive recommendations from the Rural and Critical Lands Preservation Board. When a property is designated by County Council as a passive park, this ordinance will apply to that property. Any property designated by Council as a passive park that was not purchased with RCLPP funding is not eligible for RCLPP improvement funds.

6. The County Council may request for sale or lease any property designated as a passive park, and shall apply the Rural and Critical Lands Preservation Program Policies and Guidelines for such action.
7. The Beaufort County Sheriff’s Office will have enforcement authority over all provisions set forth in Article II, unless otherwise deemed appropriate by the jurisdictional authority of a local municipality.

ARTICLE II - REGULATIONS

SECTION 91-104: PASSIVE PARK HOURS

1. Unless otherwise specifically provided or posted at a passive park property or facility, any designated passive park that is open to the public shall be open for public use during daylight hours only and shall be closed to public use from dusk until dawn.

2. Such closing hours shall not apply to activities being held pursuant to an approved agreement or contract for use signed by the County Administrator or his/her designee. In these cases, the fully executed agreement or contract for use shall state the waiver of operating hours.

3. It shall be unlawful for any person to remain in any of the passive parks and/or facilities during the hours the park and/or facility is closed to public use except with prior written approval from the County Administrator or his/her designee. Unauthorized presence may be grounds for immediate arrest.

SECTION 91-105: PROHIBITED ACTIVITIES

It shall be unlawful for any person to do any of the following in any passive park unless specifically permitted by the appropriate authorization received from the County Administrator or his/her designee and issued pursuant to this ordinance, except for activities of Beaufort County which are undertaken within the scope of its governmental authority:

ALCOHOL and WEAPONS

- Carry any weapons, explosives, or destructive device either openly or concealed onto any park property, except as otherwise permitted by South Carolina state law and/or for law enforcement personnel.
- Purchase, sell, offer for sale, possess, or consume any alcoholic beverages, illegal drugs, or illegal intoxicating substances, unless specifically authorized in writing by the County Administrator or his/her designee.

CONCESSIONS

- Engage in the sale of any item on park property for any non-county sponsored function(s), except as allowed by an agreement issued by the County Administrator or his/her designee.
- Use of any park property for non-county sponsored fundraising activities, except as authorized by the County Administrator or his/her designee.

COOKING and FIRES

- Cook foodstuff on personal grills brought into the park area. Persons may utilize only grills provided or permitted by the county for cooking in the park area.
• Set or stoke a fire, except for those fires set or stoked in designated county grills or fire rings where they are provided, and said fire shall not be allowed if it poses a hazard to public property or the general public. An exception is made in the instance of a federal, state, and/or county sanctioned and authorized prescribed burn for the purposes of land/debris management or restoration.

• Cut down, remove, or otherwise damage live or dead standing plant material to set or stoke a fire. Gathering dead and downed debris is allowed in areas where camping is permitted and a county fire ring is provided.

FACILITIES

• Erect signs or affix signs to any tree, post, pole, fence or park facility or grounds except as provided by county ordinance, or through an approved park use agreement or contract with the County Administrator or his/her designee.

• Write on, draw on, paint on or otherwise deface, damage, remove, or destroy any park facility or any part of the park grounds.

• Construct or erect any hut, shanty or other shelter.

• Engage in the destruction, removal or alteration of any county owned facility or equipment from any park property, unless authorized by the County Administrator or his/her designee.

• Install any gate providing access to any park, or build any trail except as authorized by an approved park development plan or the County Administrator or his/her designee.

• Use public restrooms to shave and/or shower, unless shower facilities are specifically provided for public use at that park.

• Bathe or otherwise be or remain in a water or drinking fountain and/or its reservoir or to allow any privately owned animal to do so.

LITTER and WASTE

• Littering, including cigarette butts. Any park property that does not have trash disposal receptacles will be treated as “pack in, pack out” and any and all items brought onto the park property will be required to be removed from the park property.

• Disposal of oil, gasoline or other hazardous substances.

• Discharge or deposit human wastes, except in toilet facilities provided by the county.

• Dump or deposit yard waste, cuttings, or clippings.

• Allow privately owned animals to discharge or deposit waste on park property without disposing said waste. All owners or others in charge of privately owned animals shall remove their animal’s waste from the park grounds, and may deposit animal waste in park trash receptacles.

NATURAL AND CULTURAL RESOURCES

• Disturb the natural surface of the ground in any manner unless authorized in writing by the County Administrator or his/her designee and/or done in accordance with a county-initiated land management activity.

• In any way disturb, molest, or remove any wildlife, animal, bird, or egg located above, upon or below the surface of the park grounds or to allow any privately owned animal to do so unless
specifically authorized in writing by the County Administrator or his/her designee, or unless a park is posted for such an activity.

- Feed any wildlife.
- Engage in the removal, destruction or harassment of animals and plants from or on parks, except for authorized research efforts as authorized by the County Administrator or his/her designee.
- Engage in the introduction of plants or animals onto parks, unless authorized by the County Administrator or his/her designee or as part of a county sanctioned restoration activity.
- Pick flowers, nuts, berries, or fruit, or to damage or remove plants, trees, or shrubs, from any part of the park grounds unless specifically authorized in writing by the County Administrator or his/her designee or done in accordance with a county-initiated land management activity.
- Swim, canoe, kayak, or boat in any body of water within the designated park boundaries, unless otherwise posted as a public swimming and/or boating area.
- Engage in the removal, alteration or destruction of archaeological or cultural resources from any park property and/or water body except as authorized by the County Administrator or his/her designee.

RECREATION and VEHICLES

- Drive, putt or otherwise hit a golf ball.
- Use roller skates, roller blades or skateboards, except on park facilities specifically designated for that purpose.
- Operate or park any motorized vehicle on park grounds except in areas designated by the county as public parking areas, driveways, or roadways. Motorists shall obey all posted speed limit and other directional signs posted within the park. Authorized county personnel or contract personnel shall be allowed to drive vehicles onto park areas during facility or grounds maintenance or other land management activities.
- The unauthorized use of metal detectors.

SECTION 91-106: PROVISIONS APPLICABLE TO ALL PASSIVE PARKS

Unless otherwise specified herein and in addition to the restrictions stated in Section 91-105, the following additional provisions shall be applicable to all passive parks:

1. Allowable public use activities for each park shall be compatible with the protection of the natural and/or cultural resources for each individual park and shall be posted at each park.

2. Parks shall be closed to the public when, due to emergency conditions or activities undertaken by the federal, state, or county government for emergency response and recovery or maintenance of such areas, closure is necessary to protect such lands or to protect the health, safety and welfare of the public.

3. Hiking is permitted only on designated trails, established roads and firebreaks, and shall not occur in other areas.
4. Bicycling is permitted in parks that are specifically posted for that activity. Within a park permitted for bicycling, bicycling shall only be permitted on trails, established roads and firebreaks, and shall not occur in other areas.

5. Horseback riding is permitted in parks that are specifically posted for that activity. Within a park permitted for horseback riding, horseback riding shall only be permitted on trails, established roads and firebreaks, and shall not occur in other areas.

6. Hunting, trapping, or fishing is permitted in parks that are specifically posted for that activity. Within a park permitted for hunting, trapping or fishing, hunting, trapping and fishing activities will comply with South Carolina state law.

7. Dogs are permitted in parks, except where otherwise posted, provided that such animals are leashed and under control at all times. The owner or person responsible for the animal shall clean up and properly dispose of the animal’s waste as stated in Section 91-205.

8. Concessions may be allowed in certain parks if they are determined to be appropriate to that property and are approved in writing by the County Administrator or his/her designee. Appropriateness is described as:
   a. The concession is necessary to fulfill a need in the interest of the public and will assist the county in providing public use of passive parks.
   b. The concession will be open to the public.
   c. The concession will be economically feasible for the county.
   d. The concession will be compatible with the protection of the natural and/or cultural resources and the management goals for that park.
   e. The concession will not result in an unfair advantage over existing businesses that provide similar services in the area.

9. Research may be permitted in parks if said research is compatible with the protection of the natural and/or cultural resources and the management goals for that park and when approved in writing by the County Administrator or his/her designee.

SECTION 91-107: ARCHAEOLOGICAL DISCOVERY

Archaeological excavating is prohibited on all properties. Any person discovering archaeological or cultural resources on any park shall immediately notify the Passive Parks Manager and the Beaufort County Sheriff’s Office of such discovery.

SECTION 91-108: PASSIVE PARK USER FEES

Fees for admission to passive parks, for use of park land and/or facilities, and for participation in events may be established by the County Administrator or his/her designee, subject to approval by County Council.
ARTICLE III - PENALTIES

SECTION 91-200: PENALTIES

Any person violating any section of this article shall be guilty of a misdemeanor and upon conviction thereof shall pay such penalties as the court may decide, not to exceed $500.00 and/or not to exceed 30 days' imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this section. This ordinance is supplementary to, and does not supplant, any other federal, state, county, or local law, rule, regulation, or ordinance.

Adopted this 10th day of December, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading: October 22, 2018
Second Reading: November 5, 2018
Public Hearing: December 10, 2018
Third and Final Reading: December 10, 2018