Agency Name: Riverbanks Parks Commission

Statutory Authority: 51-13-30 and 51-13-80

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Subject: Riverbanks Parks Commission

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- 03/05/2009 Received by Lt. Gov & Speaker 02/09/2010

H 03/09/2009 Referred to Committee

S 03/10/2009 Referred to Committee

S 03/30/2009 Committee Requested Withdrawal

 120 Day Period Tolled

- 03/31/2009 Withdrawn and Resubmitted 02/10/2010

H 04/22/2009 Resolution Introduced to Approve 3942

S 05/20/2009 Committee Requested Withdrawal

 120 Day Period Tolled

S 05/20/2009 Resolution Introduced to Disapprove 867

 Sponsored by Senators Knotts and

 Cromer

- 07/23/2010 Withdrawn due to end of two-year session

Resubmitted: March 31, 2009

Document No. 4022

**RIVERBANKS PARKS COMMISSION**

CHAPTER 124

Statutory Authority: 1976 Code Sections 51-13-30 and 51-13-80

Chapter 124. Riverbanks Parks Commission

**Synopsis**:

Riverbanks Parks Commission seeks to promulgate regulations governing the safety of life and the protection of public and private property within Park property. The proposed regulations are intended to provide: (1) the general provisions of the regulations, including the purpose of the regulations and the definitions regarding terms and phrases used within the regulations; (2) the means of enforcement and jurisdiction governing enforcement; and (3) the actual regulations governing prohibited conduct and behavior on Park property, as well as provide for the method of enforcing regulations and the penalty for violations.

**Instruction:**

Add SC Regulation 124-1 through 124-4 concerning the safety of life and the protection of public and private property owned and operated by the Riverbanks Parks Commission. The Notice of Drafting was published in the State Register on July 25, 2008.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text**:

Chapter 124

Riverbanks Parks Commission

124-1. Purpose

The purpose of these Regulations is to provide for the safety of life and the protection of public and private property within Park boundaries.

124-2. Definitions

 A. The following words, terms or phrases shall have the meanings respectively ascribed, as follows:

 1. “Park” means the area known as Riverbanks Park, including the Riverbanks Zoological Park, the Botanical Gardens and any other zoological or Park facilities hereafter acquired and placed under the jurisdiction control and administration of the Riverbanks Parks Commission and all appurtenant rights-of-way.

 2. “Commission” means the Governing Commission of the Richland-Lexington Riverbanks Parks District.

 3. “Executive Director” means that person appointed by the Riverbanks Parks Commission and charged with the duty to administer, protect, control and superintend any property, governed.

 4. “Person” means any individual, firm, partnership, company, co-operative, corporation, association, joint stock association, or body politic, and includes any trustee, receiver, assignee or similar representative thereof.

 B. In construing the provisions of these regulations and each and every word, term, phrase or part of these regulations, where the context will permit, the definitions contained in this regulation and those provided in the South Carolina Code of Laws and definitions contained in laws locally applicable to Lexington and Richland Counties and the City of Columbia shall control.

124-3. Enforcement, Jurisdiction, and Penalties

 A. Any and all persons using Park facilities, or within the limits of all Park property operated, maintained and administered by the Riverbanks Parks Commission shall abide by all laws – state, federal, county and municipal.

 B. It shall be the duty and responsibility of the Richland Lexington Riverbanks Public Safety Department to enforce these Regulations within the limits of all Park property operated, maintained and administered by the Riverbanks Parks Commission. It shall be the duty and responsibility of the authorized representatives of such department to issue summonses for violators hereof.

 C. Any person violating any of the applicable laws within a magistrate’s jurisdiction or any of these Regulations shall be tried by the magistrate of Richland or Lexington County having jurisdiction of the area in which the violation occurs.

124-4. Prohibited Conduct and Penalties

 A. These Regulations shall apply to all persons on any part of the property under the jurisdiction and control of the Riverbanks Parks Commission.

 B. All persons having entered on Park property shall be governed by these Regulations, and by orders and instructions of the Commission and the Executive Director relative to the use, activity or occupation on any part of the Park property, including but not limited to:

 1. No person shall frighten, annoy, kill, injure, feed or attempt to frighten, annoy, kill, injure or feed any mammal, bird, reptile, amphibian or other animal in the Zoo or Gardens.

 2. No person shall display any advertising matter by signs or distribute advertising matter of any character within any Park area without the written permission of the Executive Director.

 3. No person shall sell or offer for sale any goods, wares, services, or merchandise within any Park area without the written permission of the Executive Director.

 4. No person shall use any boisterous, insulting or profane language or conduct oneself in a disorderly, lewd, obscene or lascivious manner in any Park area.

 5. No person shall enter any portion of the Park which is designated as restricted, or enter any area during the hours of the day when said area is not open to the public or enter at any time any Park or recreation area which is closed. Hours during which the area is open to the public shall be posted by the Executive Director.

 6. No person shall keep, permit, or bring any mammal, bird, reptile, amphibian or other animal, domestic or wild, in any Zoo or Garden area unless subject to the Parks Service Animal Guidelines and approved by the Executive Director.

 7. No person shall carry on or about his person or discharge any gun, pistol, or firearms of any kind, including air guns, bows and arrows or weapons of any nature within or across the Park.

 8. No person shall wade, swim, fish or boat within the Zoo or Garden not so designated.

 9. No person shall drive or propel any vehicle in, over or through any Park area except areas designated for driving or Park purposes.

 10. No person shall operate a motor vehicle in any Park area at a speed in excess of the posted speed limit.

 11. No person shall use the Park or its recreation areas, grounds or facilities to either perform or allow the performance of any of the following acts, unless such activity is authorized, permitted or supervised by the Executive Director or his designees:

 (a) willfully mark, deface, disfigure, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or Park property or appurtenances whatsoever, either real or personal;

 (b) throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to Park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of such waters;

 (c) dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means, except that digging shall be permitted in areas designated for such purpose;

 (d) damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area;

 (e) bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other litter, or place refuse or litter in any waters in or contiguous to Park, or anywhere on the grounds thereof, other than in the proper receptacles, where provided;

 (f) endanger the safety of any person by any conduct or act, or prevent any person from using the Park or any of its facilities, or interfere with such use in compliance with this chapter and with the rules applicable to such use;

 (g) build or attempt to build a fire, except at places specifically designated for such purpose or as permitted by the Park. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within the Park or on any highway, road or street abutting or contiguous thereto;

 (h) possess and/or consume alcoholic beverages, beer or wine; provided, however, alcoholic beverages, beer or wine, shall be allowed, as follows:

 (i) when possession and consumption is specifically authorized by the Executive Director and the event organizer obtains a permit or license if required by the South Carolina Department of Revenue for the possession and/or consumption of alcoholic beverages, beer or wine at the event; or

 (ii) at private functions, authorized by the Executive Director, for which the South Carolina Department of Revenue does not require a permit or license for the possession and/or consumption of alcoholic beverages, beer or wine;

 (i) possess, explode, discharge or ignite fireworks of any kind, unless specifically permitted by the Park;

 (j) park or leave automobiles, trucks, bicycles, unicycles, tricycles, scooters, mopeds, motorcycles, motorbikes, motorized carts or other motorized vehicles in places other than at authorized times and in those specifically designated for such purpose;

 (k) vend, sell, peddle or offer for sale any commodity or article, except sales conducted by or specifically permitted by the Executive Director;

 (l) recline upon any seat, table, bench, or in any location not intended for occupancy.

 C. Any person who violates any provision of these Regulations is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed One Hundred Dollars or be imprisoned not more than thirty days, as authorized by Section 51-13-80.

**Fiscal Impact Statement**:

There will be no increased costs to the state or its political subdivisions in complying with the proposed regulations.

**Statement of Rationale:**

The Riverbanks Parks Commission regulations have not been updated in over twenty-five years, with tremendous growth in the facilities, attendance and traffic. The proposed Rules and Regulations are similar to and consistent with rules and regulations for other city and state park and recreational facilities.