



Ratification
Number 2621-106

AN ORDINANCE

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 22 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO PARK AND RECREATION FACILITIES TO PROVIDE ADDITIONAL REQUIREMENTS AND PROCEDURES FOR THE RESERVATION PERMITTING PROCESS FOR RESERVED USE OF PARKS, TO PROVIDE OPEN CARRY RESTRICTIONS AND OTHER SAFETY PROHIBITIONS, AND TO PROVIDE ADDITIONAL PROHIBITED ACTIVITIES TO BE INCLUDED IN THE PARK RULES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 22-4 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 22-4. Reservation permit for reserved use.

(a) For all organized activities or organized sports which do not require a special events permit pursuant to section 2-185, et seq., or a First Amendment demonstration permit pursuant to section 25-36, et seq., of this Code, but require reserved use of a park, park facility, recreational facility, recreation field, athletic field, tennis court, and/or playground or any portion thereof, a person may reserve such space for a reasonable period of time at reasonable intervals for the purposes of organized sports, picnics, or group activities upon obtaining a reservation permit for the proposed use. For the purposes of this section, “organized sports” shall mean any game or sport which is played by three or more persons or by two or more teams that play and/or practice together regularly in a league or association.

(b) A person seeking issuance of a reservation permit shall file a reservation permit application with the department of recreation. The application shall be filed with the department not less than fourteen (14) business days before the date on which the proposed activity is to take place. For events scheduled for the preceding calendar year which require reserved use, the reservation calendar for the preceding year will be opened on September 1st of the current year.

(c) The department of recreation and the chairman of the special events committee shall have the authority to consider any application hereunder which is filed less than fourteen (14) business days before the date such activity is proposed to be conducted.

(d) The request for a reservation permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking the permit.

(2) The name, address and telephone number of the headquarters of the organization or association requesting the permit and of the authorizing and responsible person for such organization or association.

(3) The name, address, and telephone number of the person who will be the chairman and who will be responsible for the conduct of the activity.

(4) The date when the activity is to be conducted.

(5) The specific location of the activity proposed.

(6) The approximate number of persons who will participate in the activity.

(7) The hours when such activity will start and terminate, including set up and tear down time.

(8) A detailed description of the proposed activity.

(9) Any additional information which the department of recreation and the chairman of the special events committee shall find reasonably necessary to a fair determination as to whether a reservation permit should be issued.

(e) The department of recreation and the chairman of the special events committee in concert with the department of parks shall issue a reservation permit as provided for hereunder when, from a consideration of the request and from such other information as may otherwise be obtained, they find that:

(1) The conduct of the activity proposed will not substantially interrupt the safe and orderly activity of the park, park facility, recreational facility, **recreation field, athletic field, tennis court** and/or playground or any portion thereof, in question or the safe and orderly movement of traffic, pedestrian and vehicular.

(2) In the opinion of the chief of police, the conduct of the activity will not require the diversion of so great a number of police officers of the city to properly police the activity so as to prevent normal police protection to the city.

(3) The concentration of persons at the activity will not unduly interfere with proper utilization of the park, park facility, recreational facility, **recreation field, athletic field, tennis court** and/or playground or any portion thereof, or with proper fire and police protection of the park and playground and areas contiguous to such area.

(4) The conduct of the activity is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.

(5) The conduct of the activity is not reasonably likely to cause excessive littering or a health hazard to the citizens of the city.

(6) The reservation of the park, park facility, recreational facility, **recreation field, athletic field, tennis court** and/or playground or any portion thereof, will not unduly interfere with the use of the facilities by individuals not involved in the activity.

(7) The size, location, and primary purpose of the park, park facility, recreational facility, **recreation field, athletic field, tennis court** and/or playground and the nature of the surrounding neighborhood is consistent with the proposed activity.

(f) Any person aggrieved shall have the right to appeal the denial of a reservation permit to the ~~Recreation commission~~ **Committee of Council**. The appeal shall be filed within forty-eight (48) hours after notice of the denial to the clerk of council. The ~~Recreation commission~~ **Committee of Council** shall act upon the appeal at its next regularly scheduled meeting, but no later than thirty (30) days from the time of receipt of the appeal.

(g) The department of recreation ~~and the chairman of the special events committee~~, in denying a request for a permit, shall be empowered to authorize the activity on a day, at a time, or at a location different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action, file a written notice of acceptance with the department of recreation. An alternate permit shall conform to the requirements of and shall have the effect of a permit under this section.

(h) The department of recreation ~~and the chairman of the special events committee~~ shall have the authority to revoke a permit issued hereunder upon violation of the standards for issuance as set forth in subsection (e) of this section. It shall be grounds for denial of a permit if substantially the same group who proposes to use the facilities has violated the standards as set forth in subsection (e) on a previous occasion.

(i) The activity chairman or other person heading or leading such activity shall carry the permit upon his person during the conducting of the permitted activity.

(j) The activity chairman or other person heading or leading such permitted activity shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(k) Should more than one group apply for use of the same facility, the department of recreation ~~and the chairman of the special events committee~~ will give priority to the earlier request, provided, however, the department of recreation ~~and the chairman of the special events committee~~ shall ensure that repeated reservation of facilities by one group will not interfere with the reasonable use of the facility by other groups and individuals, or with the tranquility of the neighborhood surrounding the facility, and in their discretion may deny or reschedule an activity to achieve this end.

(l) All reservation permits shall be subject to the applicable fees set forth in the city park permit fee structure, marked as Exhibit A, incorporated by reference herein. Additional fees may include reservation permit deposits and athletic field rental fees. All fees and deposits are due seven (7) days prior to the reserved event.

(m) The city reserves the right in its sole discretion to require a person seeking a reservation permit to obtain a special events permit issued pursuant to section 2-185, et seq., or a First Amendment demonstration permit issued pursuant to section 25-36, et seq., when the city finds that requiring such special events permit or First Amendment demonstration permit is in its best interest.

(n) Safety restrictions and prohibitions.

(a) Threats to safety.

(1) It shall be unlawful for any person to point or present a firearm (as defined in S.C. Code § 16-25-10(7)), or to brandish a weapon (as defined in City Code § 21-219), while participating in or attending an organized event for which a permit has been issued pursuant to this section.

(2) For purposes of this section, “brandish” shall mean to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.

(3) For purposes of this section, to “present” a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.

(b) Open carry prohibited. It shall be unlawful for any person(s) participating in organized events for which a permit has been issued pursuant to this section to openly carry a firearm. The person or entity hosting the organized event must post signs as approved and directed by the department of recreation to indicate the specific area where the open carry of firearms are prohibited.”

Section 2. Sec. 22-5 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 22-5. Prohibited activities in or upon a public park, park facility, recreational facility, or playground.

Unless permitted expressly approved under a city special event permit issued pursuant to section 2-185 et seq. of this Code, the following activities shall be prohibited for any person using a public park, park facility, recreational facility, or playground:

(a) *Alcoholic beverages.* No person shall possess an open container or consume any beer, wine or alcoholic beverage in or upon a public park, park facility, recreational facility, or playground in the city; provided however, this prohibition shall not apply to any park, park facility, recreational facility or playground in the city, or applicable part thereof, that is subject to a lease, management or operation agreement approved by city council that authorizes the sale, possession in an open container or consumption of beer, wine or alcoholic beverages.

(b) *Destruction of property.* No person shall remove, deface, damage, or otherwise injure any structure, sign, fence, equipment, or improvement, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements or structures, in or upon a public park, park facility, recreational facility, or playground, including hanging, attaching or placing signs, flags, placards or any other object of any kind on such city property; nor shall any person remove, deface, damage, or otherwise injure any flower, plant, shrub, tree, grass, or ground cover in or upon any park or playground.

(c) *Conduct on public property.* No person shall walk, stand, sit, lie, or climb upon any wall, fence, shelter, tree, shrub, or other vegetation, or any or structure, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects and other architectural elements not designed or intended for such purposes located in a public park, park facility, recreational facility, or playground.

(d) *Obstruction.* No person shall obstruct or cause an obstruction, whether alone or together with one or more persons, or with equipment or personal property of any nature, which limits or impedes access or inhibits the ingress or egress of other persons utilizing the park from the intended use or enjoyment of any building, structure, shed, monument or memorial, to include fountains, sculptures, plaques, statues, markers, gazebos, objects

and other architectural elements or structures, restroom, stairs, sidewalk, right-of-way, entryway or exit located in a public park, park facility, recreational facility, or playground.

(ee) *Audio devices.* No person shall play an audio device, such as a television set, radio, compact disc or tape player, at such a volume as to disturb persons utilizing the park outside of the immediate vicinity of the user.

(ef) *Bands, concerts.* No band or group of musicians shall perform in or upon a public park, park facility, recreational facility, or playground so as to unreasonably disturb the tranquility of the residents surrounding a public park, park facility, recreational facility, or playground.

(eg) *Solicitation.* No person shall solicit, peddle, or charitably solicit in a public park, park facility, recreational facility, or playground without the express written approval of the city.

(fh) *Storage.* No person shall store any goods, materials, vehicles, or other property in or upon a park, park facility, recreational facility, or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(gi) *Fireworks and weapons.* No person shall possess, discharge, or set off any fireworks, firearms, weapons, or other explosive devices in or upon any park or playground, without written approval of the director of the department of recreation or the director of the department of parks.

(j) **Weapons. No person shall brandish any weapon to any person or the public at large within a public park, park facility, recreational facility, or playground. For the purposes of this section, “weapon” and “brandish” shall have the meanings ascribed in section 21-219.**

(k) **Open carry. No person shall openly carry a firearm at a public protest, rally, fair, parade, festival or other organized event in a public park, park facility, recreational facility, or playground when the City has issued a permit for such event. The pointing or presenting of a firearm is prohibited by S.C. Code § 16-23-410.**

(l) **Open burning. No person shall kindle, maintain, or authorize to be kindled or maintained any open burning in or upon a public park, park facility, recreational facility, or playground, except in designated areas as permitted in section 13-10. For the purposes of this section, “open burning” shall have the meaning ascribed in section 13-10.**

(hm) *Litter.* No person shall discard litter in any park or playground except in designated receptacles.

(in) *Golfing.* No person shall play or practice golf in a public park or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(jo) *Remote control devices.* No person shall operate a remote control device, including, but not limited to, any model plane, glider, helicopter, car, truck, or any other wheeled vehicle in any park, park facility, recreational facility, or playground, recreational facility parking lot, or other public recreation area. Model plane shall mean any device that flies, whether uncontrolled or controlled by radio, wire, or string, and is powered by internal combustion, electricity, gasoline, battery, or any other type of fuel.

(kp) *Commercial activities.* No person shall carry on any commercial activity in any park or playground without the written approval of the director of the department of recreation or the director of the department of parks.

(lq) *Unlawful activities.* No person shall carry on any activity in or upon a public park, park facility, recreational facility, or playground of the city which is prohibited by the statutes of the state or the ordinances of the city, or the posted rules of the facility or park.

(mr) *Treasure hunting.* Metal detecting and/or digging in public parks, public rights-of-way, and playgrounds is prohibited.

(ns) *Photographic/video equipment.* It shall be unlawful for a person to install, maintain or operate a video recording device, camera or cell phone with a camera incorporated therein in any dressing room, restroom, bathroom, toilet, washroom, shower or locker room in or upon a city recreation facility.

(ot) *Camping.* No person shall camp, camp out, sleep, lodge, or take up residence in any camper, van, bus, or other motor vehicle in any park or public place.

(u) Dogs.

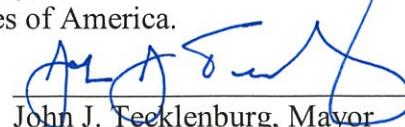
(1) No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any athletic field, athletic facility, or park, if such animal is not under a physical restraint or a leash so as to allow the animal to be controlled. The length of a leash shall not be more than (16) sixteen feet long.

(2) Animals may be permitted to occupy a city park or an area of a city park under sufficient strict voice control without physical restraint or a leash when the director of the department of parks determines that during certain hours or under certain conditions animals may be permitted to occupy a city park or an area of a city park under strict voice control and posts the city park accordingly.

(3) No animal of any kind shall be permitted on any tennis court, fenced recreation field, or athletic field at any time, even if such animal is physically restrained, leashed or otherwise controlled.”

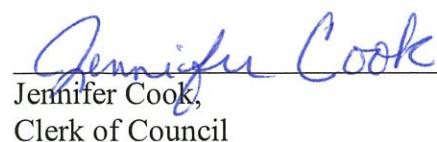
Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this 29th day of July in the Year of Our Lord, 2021, and in the 246th Year of the Independence of the United States of America.



John J. Teeklenburg, Mayor

ATTEST:



Jennifer Cook,
Clerk of Council