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COMMITTEE REPORT

May 20, 2009

**S. 836**

Introduced by Senator Cromer

S. Printed 5/20/09--S.

Read the first time May 14, 2009.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 836) to amend Section 51‑13‑80, Code of Laws of South Carolina, 1976, relating to rules and regulations of the Riverbanks Parks Commission, so as to prohibit, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

RONNIE W. CROMER for Committee.

**A** **BILL**

TO AMEND SECTION 51‑13‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND REGULATIONS OF THE RIVERBANKS PARKS COMMISSION, SO AS TO PROHIBIT CERTAIN ACTIVITIES WHILE ON PARK PROPERTY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 51‑13‑80 of the 1976 Code is amended to read:

“Section 51‑13‑180. (A) A person who enters Riverbanks Park property may not, without express permission of the executive director:

(1) frighten, annoy, kill, injure, feed, or attempt to frighten, annoy, kill, injure, or feed a mammal, bird, reptile, amphibian, or other animal in the zoo or gardens;

(2) display advertising matter by signs or distribute advertising matter within a park area without the written permission of the executive director;

(3) sell or offer for sale goods, wares, services, or merchandise within a park area without the written permission of the executive director;

(4) use boisterous, insulting, or profane language or conduct himself in a disorderly, lewd, obscene, or lascivious manner in a park area;

(5) enter a portion of a park which is designated as restricted, enter an area during the hours of the day when the area is not open to the public, or enter a park or recreation area which is closed. The executive director shall post the hours during which the area is open to the public;

(6) keep, permit, or bring a mammal, bird, reptile, amphibian, or other animal, domestic or wild, in a zoo or garden area unless subject to the Parks Service Animal Guidelines and approved by the executive director;

(7) carry on or about his person or discharge a gun, pistol, or firearm of any kind, including an air gun, bow and arrow, or weapon of any nature within or across a park;

(8) wade, swim, fish, or boat within the zoo or garden not so designated;

(9) drive or propel a vehicle in, over, or through a park area except areas designated for driving or park purposes;

(10) operate a motor vehicle in a park area at a speed in excess of the posted speed limit;

(11) use a park or its recreation areas, grounds, or facilities to either perform or allow the performance of the following acts, unless the activity is authorized, permitted, or supervised by the executive director or his designees:

(a) wilfully mark, deface, disfigure, injure, tamper with, or displace or remove buildings, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances, 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 a fountain, pond, lake, stream, bay, or other body of water in or adjacent to park or a tributary, stream, storm sewer, or drain flowing into these waters any substance, matter, or things, liquid or solid, which will or may result in the pollution of these waters;

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

(d) damage, cut, carve, transplant, or remove a tree or plant, injure the bark or pick the flowers or seeds of a tree or plant, or attach a rope, wire, or other contrivance to a tree or plant. A person may not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of an area;

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

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

(g) build or attempt to build a fire, except at places specifically designated for this purpose or as permitted by a park. A person may not drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material within a park or on a highway, road, or street abutting or contiguous to it;

(h) possess or consume alcoholic beverages, beer, or wine; provided, however, alcoholic beverages, beer or wine, must be allowed:

(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 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 or consumption of alcoholic beverages, beer, or wine;

(i) possess, explode, discharge, or ignite fireworks unless specifically permitted by a 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 that purpose;

(k) vend, sell, peddle, or offer for sale a commodity or article, except sales conducted by or specifically permitted by the executive director;

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

(B) The Riverbanks Parks Commission is authorized to ~~adopt~~ ~~and~~ promulgate ~~rules and~~ regulations governing the use of roads, streets, parking facilities and ~~all~~ other facilities upon the lands of the Riverbanks Parks Commission. ~~Such~~ These ~~rules and~~ regulations ~~shall~~ may not ~~be in~~ conflict with ~~any~~ state law and all state laws are ~~hereby declared to be~~ applicable to the roads, streets, and parking facilities under the control of the commission. The ~~rules and~~ regulations authorized ~~herein shall be~~ in this section become effective ~~when filed with the Director of the Riverbanks Parks Commission and in accordance with Section 1‑1‑210~~ as provided for in the Administrative Procedures Act.

(C) The Riverbanks Parks Commission ~~is authorized to~~ may employ police officers to be commissioned by the Governor who shall enforce ~~all~~ laws~~, rules~~ and regulations authorized ~~herein~~ in this section and shall, in addition, have authority to issue summonses for violations ~~thereof~~ in the manner provided for South Carolina State Highway Patrolmen.

(D)(1) ~~Persons violating any of~~ A person who violates the laws within a magistrate’s jurisdiction or ~~any of~~ the ~~rules or~~ regulations of the commission ~~shall~~ must be tried by the magistrate of Richland or Lexington County ~~having~~ who has jurisdiction of the area in which the violation occurred.

(2) ~~Any person violating~~ A person who violates the provisions ~~of any of the rules and~~ of this section or the regulations of the commission ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.

(3) ~~All~~ Fines and forfeitures collected ~~under~~ pursuant to the provisions of Sections 51‑13‑50 to 51‑13‑80 ~~shall~~ must be forwarded weekly to the Riverbanks Parks Commission by the enforcing magistrate, to be credited to the general operating fund of the district.”

SECTION 2. This act takes effect upon approval by the Governor.

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