

ORDINANCE NO. 2020 –08

TOWN OF BLUFFTON, SOUTH CAROLINA

CONSIDERATION OF AN ORDINANCE TO AMEND THE TOWN OF BLUFFTON CODE OF ORDINANCES, CHAPTER 13, *PUBLIC PROPERTY*, ARTICLE II, *PUBLIC PARK, DOCK AND BOAT LANDING RULES*, TO MODIFY THE NAMES AND RULES PERTAINING TO THE USE OF CERTAIN TOWN-OPERATED PROPERTIES

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-140 of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, the Town of Bluffton Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and,

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 13, Public Property, Article II, Public Park, Dock and Boat Landing Rules in order to correctly identify the public park at 68 Boundary Street as the Martin Family Park and to modify the rules with regard to use of the Martin Family Park; and

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 13, Public Property, Article II, Public Park, Dock and Boat Landing Rules in order to correctly identify the public park at Buckwalter Place Multi-County Industrial Park.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

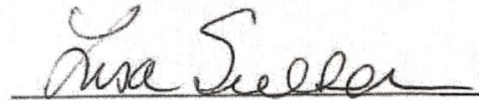
SECTION 1. AMENDMENT. The Town of Bluffton hereby amends Chapter 13 of the Code of Ordinances for the Town of Bluffton, South Carolina, by modifying paragraphs 13.42 and 13.48 as shown in Exhibit “A” attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this 9th day of June, 2020.

This Ordinance was read and passed at first reading on May 12, 2020.

A handwritten signature in dark ink, appearing to read "Lisa Sulka", written over a horizontal line.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

A handwritten signature in dark ink, appearing to read "Kimberly Chapman", written over a horizontal line.

Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on June 9, 2020.

A handwritten signature in dark ink, appearing to read "Lisa Sulka", written over a horizontal line.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

A handwritten signature in dark ink, appearing to read "Kimberly Chapman", written over a horizontal line.

Kimberly Chapman, Clerk
Town of Bluffton, South Carolina

ARTICLE II. - PUBLIC PARK, DOCK AND BOAT LANDING RULES¹¹

Footnotes:

--- (1) ---

Editor's note— Ord. No. [2019-11](#), § 1(Exh. A), adopted August 13, 2019, set out provisions intended for use as §§ 13-17—13-31. To preserve the style of this Code, and at the editor's discretion, these provisions have been included as §§ 13-37—13-51.

Sec. 13-37. - General prohibitions.

The following prohibited activities apply to all public parks, docks and boat landings. Further restriction of these activities may vary by property as noted in subsequent paragraphs of this article.

- (1) *Camping*. No overnight camping of any type shall be permitted.
- (2) *Litter*. Littering is prohibited per Section 22-43. All garbage, other solid waste, trash or offensive matter must be disposed of in receptacles designated for such use. When such receptacles are full, patrons must remove items from the premises upon exiting.
- (3) *Alcohol*. The possession of an open container and/or the consumption of alcohol is prohibited except as permitted in Chapter 22, Article IV.
- (4) *Solicitation*. It is prohibited that any person or group of persons sells, solicits sales or offers distribution of any merchandise, handbill or pamphlet unless otherwise approved in writing by the Town Manager.
- (5) *Fireworks*. The discharge of fireworks is prohibited except as provided for in Chapter 14, Article IV.
- (6) *Fires*. Fires are not permitted. Exceptions to this prohibition are only allowed in accordance with Section 13-10 and Chapter 14.
- (7) *Weapons*. Possession, discharging or brandishing a firearm or other weapon is prohibited, with the exception of law enforcement personnel in the normal course of duty.
- (8) *Hunting*. Hunting is strictly prohibited.
- (9) *Pets*. Pets must be under restraint at all times and in full compliance with Chapter 4. Pet waste must be picked up and disposed of in pet waste containers.
- (10) *Parking*. Motorized vehicles and parking are allowed only in designated areas.
- (11) *Structural alterations*. No person or agency shall build, maintain, extend or make structural alterations to any Town park, dock or boat landing without first obtaining a written permit to do so from the Town Manager.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-38. - Oyster Factory Park.

- (a) *Hours of operation*. Open for public use from sunrise to sunset, unless a special events permit has been issued by the Town of Bluffton in accordance with Chapter 22, Article IV. Exceptions to this are the boat ramp and dock, which shall be available for use 24 hours per day.
- (b) *Grilling*. No grilling allowed underneath the pavilion.

- (c) *Unattended vehicles.* Vehicles, trailers, or boats stored more than 24 hours are subject to removal at owner's expense.
- (d) *Skateboards and bicycles.* Skateboarding, rollerblading, roller skating, use of manually powered scooters and bicycles shall not be permitted on docks, landings, piers and walkways.
- (e) *Dock rules.*
 - (1) *Smoking.* Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.
 - (2) *Blocking and congesting of Town docks.* To ensure public use and avoid extensive occupancy, congestion or blocking of Town docks, the Town Manager is authorized to post signs limiting the time to three hours during which a vessel may be docked or gear may be placed at or on any Town dock. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock.
 - (3) *Maximum docking time of three hours.* A vessel shall not be allowed to dock for more than three cumulative hours in a 24-hour period. Exceptions to this rule may be granted by the Town Manager on a case-by-case basis.
 - (4) *Vessels needing repair.* Vessels needing engine repairs shall moor to the extreme end of the main dock and shall get under way as soon as repairs are made, but in no case shall this period exceed 24 hours. In such cases, the vessel operator must contact the Town police department at (843) 706-4550 to register the vessel occupancy of dock in excess of three hours.
 - (5) *Obstructing access.* It is unlawful to obstruct any pier, dock, wharf, boat ramp, or the access area to the facilities. Any vessel, vehicle, or other object which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner.
 - (6) *Fishing.* Fishing is allowed from the dock as long as it does not interfere with the docking of watercraft, or the loading and unloading of passengers. Boaters shall have priority of use of the dock.
 - (7) *Priority of emergency vehicles.* Emergency vehicles shall have priority over all other vehicles at all Town docks, landings and piers.
 - (8) *Securing vessels.* Every vessel tying up at any Town dock shall be fastened thereto with such lines, at least from both bow and stern, and in such manner as to ensure the security of such vessel. Tethering one or more vessels to another vessel is prohibited.
 - (9) *Fueling vessels.* No person shall fuel any vessel on Town docks with any petroleum product directly from a tank wagon or truck.
 - (10) *Motor vehicles on dock.* No person shall drive any motor vehicle upon any Town dock.
 - (11) *Skateboards and bicycles.* Skateboarding, rollerblading, roller skating, use of manually powered scooters and bicycles shall not be permitted on docks, landings, piers and walkways.
 - (12) *Damages.* Any damage to the floating or main dock by a vessel or person shall be paid for by the owner or the responsible person. Such payment shall be the actual amount of the damage and paid to the Town.
 - (13) *Sewage discharge.* Discharge of raw, untreated sewage from any watercraft is prohibited.
 - (14) *Storage and disposal of toxic substances.* Storage and disposal of new or used batteries, oil or lubrication containers, fuel containers, solvents, toxic cleaners, paint cans, and other harmful materials or substances on the dock is prohibited.
- (f) *Landing/boat ramp rules.*
 - (1) *Launching and recovery.* Use of the boat landing for launching and recovery of vessels shall be on a first-come, first-served basis.

- (2) *Unattended or abandoned vehicles and watercraft.* The following shall apply to unattended or abandoned watercraft in access areas of landings:
 - a. It is unlawful to obstruct any pier, dock, wharf, boat ramp or the access areas to the facilities.
 - b. Any vessel, vehicle or other object left unattended which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner.
 - c. The Town Manager is empowered to remove any watercraft, vessel, or vehicle that has been abandoned. A watercraft, vessel, or vehicle will be deemed abandoned if it is left unattended at a public boat landing for more than 24 hours unless express permission is obtained from the Town Manager.
- (3) *Oystermen, crabbers, commercial fishermen, and other commercial uses.* Oystermen, crabbers, other commercial fishermen, and other commercial users may use the Town's public landings where permitted to launch and unload their boats. However, they must manage their launching and unloading operations so that whenever another citizen needs to use the landing to get into or out of the water, the other citizen will have no longer than a 15-minute wait for the commercial vehicles and boats to clear space on the landing.
- (4) *Parking of vehicles and watercraft.* The use of access ways and public boat landings shall be for placement in the water and the retrieving of boats from the water.
 - a. It shall be unlawful for any person or owner to allow the parking, stopping, or leave standing, whether attended or unattended, any vehicle, obstruction, or watercraft in or on any public boat landing:
 1. That is blocking, obstructing, or limiting the use of dock or access area;
 2. For any purpose not related to public access for fishing and boating, loading and unloading boating passengers, supplies, boats and boating gear, or other similar purposes; or
 3. Contrary to any posted notice prohibiting parking in a given area.
 - b. Under no circumstance shall any vehicle be parked at a public boat landing for more than 24 consecutive hours without express permission from the Town Manager.
- (5) *Fishing at public boat landings.* Fishing is allowed at public boat landings as long as it does not interfere with the launching or recovery of watercraft, or the loading and unloading of passengers. Boaters shall have priority of use of the public boat landing.
- (6) *Skateboards and bicycles.* Skateboarding, rollerblading, roller skating, use of manually powered scooters and bicycles shall not be permitted on docks, landings, piers and walkways.
- (7) *Government and emergency agency use.* The Town Manager may utilize any public boat landing for any governmental use at his discretion. Other governmental agencies wishing to utilize a public boat landing for purposes other than emergency services such as medical services, law enforcement, fire control, search and rescue, or for the ordinary use of the boat landing as set forth above, must obtain approval for that use from the Town Manager.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-39. - Oscar Frazier Park, not to include the recreational baseball/softball complex under the operational control of Beaufort County.

- (a) *Hours.* Open for public use from sunrise to sunset, unless a special events permit has been issued by the Town of Bluffton in accordance with Chapter 22, Article IV.
- (b) *Grilling.* No grilling allowed underneath the pavilion.

(c) *Smoking.* Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(d) *Dog park rules.*

(1) *Hours of operation.* Open for public use from sunrise to sunset.

(2) *Prohibitions.*

- a. No dog shall be admitted to the dog park that is not fully compliant with Chapter 4, Article II of the Town Code.
- b. Children under the age of 12 are not permitted, unless accompanied by a parent or guardian.
- c. Dogs shall not be unattended. Any unattended dog shall be considered abandoned, in accordance with subsection 4-35(d) of the Town Code.
- d. No dogs under four-months-old are allowed in park.
- e. No female dogs in heat are allowed in park.
- f. No food of any kind and no dog treats are allowed in the park.
- g. No glass containers are allowed in the park.
- h. Climbing on fences is prohibited.
- i. Professional dog trainers shall not utilize the dog park for the conduct of business.
- j. No person shall allow any animal that is not a dog in the dog park.
- k. No dog shall be permitted to attack, bite, molest, leap, jump or harass anyone or any dog, whether leashed or unleashed.
- l. No dog is permitted in the park that is known to have previously attacked, bitten, molested or harmed anyone or any other animal.
- m. No more than two dogs are permitted per person.

(3) *Dog park rules.*

- a. Dogs must remain on leash when entering or leaving park or designated fenced area.
- b. Gates must be closed and latched immediately upon entering and exiting.
- c. No dog that is not under strict voice control or supervision, as defined in Section 4-27 of the Town Code, may be off-leash.
- d. Owners/handlers are responsible for any injuries caused by dogs under their control.
- e. All dogs must be licensed and current with required vaccinations.
- f. Dogs must not be allowed to dig. Owner/handler is responsible for refilling any holes created by digging.
- g. Owner/handler shall clean up and remove any droppings left by their dog.
- h. Any objects (chairs, toys, training aids, etc.) left in the dog park will be considered trash and will be disposed of accordingly.

(e) *Rotary Community Center.*

(1) *Smoking.* Smoking, as defined in Section 18-159, is prohibited both inside and outside of the Rotary Community Center. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

- (2) *Pets.* Only service dogs are permitted inside the Rotary Community Center. Other pets are not permitted inside the facility and may not be left unattended outside the facility. Pets must be under control at all times and in full compliance with Chapter 4. Pet waste must be picked up and disposed of in pet waste containers.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-40. - Pocket parks.

- (a) *Applicability.* This Section shall pertain to Tom Herbkersman Commons, Pritchard Street Pocket Park, May River Road Pocket Park and the Pocket Park located at 184 Bluffton Road.
- (b) *Hours of operation.* Open for public use from sunrise to sunset.
- (c) *Fires.* Fires are strictly prohibited. No grilling.
- (d) *Fireworks.* The discharge of fireworks is strictly prohibited.
- (e) *Smoking.* Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-41. - Wright Family Park.

- (a) *Hours.* Open for public use and special events from sunrise to sunset.
- (b) *Fireworks.* The discharge of fireworks is strictly prohibited.
- (c) *Alcohol.* The possession of an open container and/or the consumption of alcohol is strictly prohibited.
- (d) *Amplified music.* The amplification of music is prohibited.
- (e) *Smoking.* Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-42. ~~— Park at 68 Boundary Street~~Martin Family Park.

- (a) *Hours.* Open for public use from sunrise to sunset, unless a special events permit has been issued by the Town of Bluffton in accordance with Chapter 22, Article IV.
- (b) *Grilling.* No grilling allowed in the park.
- ~~(c) *Alcohol.* The possession of an open container and/or the consumption of alcohol is strictly prohibited.~~
- (d) *Smoking.* Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-43. - Calhoun Street Dock.

- (a) *Hours.* Hours of operation shall be from sunrise to 10:00 p.m. Occupying the dock after 10:00 p.m. and prior to sunrise is prohibited.
- (b) *Smoking.* Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.
- (c) *Blocking and congesting of Town docks.* To ensure public use and avoid extensive occupancy, congestion or blocking of Town docks, the Town Manager is authorized to post signs limiting the time to three hours during which a vessel may be docked or gear may be placed at or on any Town dock. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock.
- (d) *Maximum vessel size.* Vessels exceeding 60 feet in length, from stern to bow, are prohibited, whether they are privately owned or designated for commercial use.
- (e) *Barges.* Barges used for ferrying supplies and equipment are prohibited from using the dock, whether they are empty or carrying a payload.
- (f) *Prohibited uses.* The dock shall not be used as a point of commerce, rental or sale of kayaks, paddleboards, wave runners or any other recreational water vehicle or apparatus.
- (g) *Commercial use.* Allowed commercial uses include, but are not limited to loading and unloading of passengers and temporary docking of commercial fishing vessels for the purpose of loading or unloading personnel or cargo. In no case may a commercial vessel be docked for a period longer than 15 minutes.
- (h) *Alcohol.* The possession of an open container and/or the consumption of alcohol is strictly prohibited.
- (i) *Fishing.* Fishing is allowed from the dock as long as it does not interfere with the docking of watercraft, or the loading and unloading of passengers. Boaters shall have priority of use of the dock.
- (j) *Maximum docking time of three hours.* A vessel shall not be allowed to dock for more than three cumulative hours in a 24-hour period. Exceptions to this rule may be granted by the Town Manager on a case-by-case basis.
- (k) *Vessels needing repair.* Vessels needing engine repairs shall moor to the extreme end of the main dock in the area designated for docking and shall get under way as soon as repairs are made, but in no case shall this period exceed 24 hours. In such cases, the vessel operator must contact the Town police department at (843) 706-4550 to register the vessel occupancy of dock in excess of three hours.
- (l) *Obstruction of the dock.* It is unlawful to obstruct the dock. Any vessel, vehicle, or other object which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner.
- (m) *Emergency vehicles.* Emergency vehicles shall have priority over all other vehicles at all Town docks, landings and piers.
- (n) *Securing vessels.* Every vessel tying up at any Town dock shall be fastened thereto with such lines, at least from both bow and stern, and in such manner as to ensure the security of such vessel. Tethering one or more vessels to another vessel is prohibited.
- (o) *Fueling vessels.* No person shall fuel any vessel on Town docks with any petroleum product directly from a tank wagon or truck.
- (p) *Motor vehicles on dock.* No person shall drive any motor vehicle upon any Town dock.
- (q) *Skateboards and bicycles.* Skateboarding, rollerblading, roller skating, use of manually powered scooters and bicycles shall not be permitted on docks, landings, piers and walkways.
- (r) *Fireworks.* The discharge of fireworks is strictly prohibited.

- (s) *Damages*. Any damage to the floating or main dock by a vessel or person shall be paid for by the owner or the responsible person. Such payment shall be the actual amount of the damage and paid to the Town.
- (t) *Sewage discharge*. Discharge of raw, untreated sewage from any watercraft is prohibited.
- (u) *Storage and disposal of toxic substances*. Storage and disposal of new or used batteries, oil or lubrication containers, fuel containers, solvents, toxic cleaners, paint cans, and other harmful materials or substances on the dock is prohibited.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-44. - Palmetto Bluff Public Dock.

- (a) *Blocking and congesting of Town docks*. To ensure public use and avoid extensive occupancy, congestion or blocking of Town docks, the Town Manager is authorized to post signs limiting the time to three hours during which a vessel may be docked or gear may be placed at or on any Town dock. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock.
- (b) *Maximum docking time of three hours*. A vessel shall not be allowed to dock for more than three cumulative hours in a 24-hour period. Exceptions to this rule may be granted by the Town Manager on a case-by-case basis.
- (c) *Vessels needing repair*. Vessels needing engine repairs shall moor to the extreme end of the main dock in the area designated for docking and shall get under way as soon as repairs are made, but in no case shall this period exceed 24 hours. In such cases, the vessel operator must contact the Town police department at (843) 706-4550 to register the vessel occupancy of dock in excess of three hours.
- (d) *Obstruction of the dock*. It is unlawful to obstruct the dock. Any vessel, vehicle, or other object which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner.
- (e) *Fishing*. Fishing is allowed from the dock as long as it does not interfere with the docking of watercraft, or the loading and unloading of passengers. Boaters shall have priority of use of the dock.
- (f) *Priority of emergency vehicles*. Emergency vehicles shall have priority over all other vehicles at all Town docks, landings and piers.
- (g) *Securing vessels*. Every vessel tying up at any Town dock shall be fastened thereto with such lines, at least from both bow and stern, and in such manner as to ensure the security of such vessel. Tethering one or more vessels to another vessel is prohibited.
- (h) *Fueling vessels*. No person shall fuel any vessel on Town docks with any petroleum product directly from a tank wagon or truck.
- (i) *Motor vehicles on dock*. No person shall drive any motor vehicle upon any Town dock.
- (j) *Skateboards and bicycles*. Skateboarding, rollerblading, roller skating, use of manually powered scooters and bicycles shall not be permitted on docks, landings, piers and walkways.
- (k) *Fireworks*. The discharge of fireworks is prohibited except as provided for in Chapter 14, Article IV.
- (l) *Damages*. Any damage to the floating or main dock by a vessel or person shall be paid for by the owner or the responsible person. Such payment shall be the actual amount of the damage and paid to the Town.
- (m) *Storage and disposal of toxic substances*. Storage and disposal of new or used batteries, oil or lubrication containers, fuel containers, solvents, toxic cleaners, paint cans, and other harmful materials or substances on the dock is prohibited.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-45. - New River Linear Trail.

- (a) *Hours*. Open for public use from sunrise to sunset.
- (b) *Fires*. Fires are strictly prohibited. No grilling.
- (c) *Motorized vehicles*. Motorized vehicles are prohibited on the New River Linear Trail with the exception of American Disabilities Act-compliant motorized wheel chairs, and vehicles used by the Town of Bluffton Public Works staff and the Town of Bluffton Police Department when used in the normal course of duties.
- (d) *Horses*. Horses are prohibited on the New River Linear Trail.
- (e) *Fireworks*. The discharge of fireworks is strictly prohibited.
- (f) *Alcohol*. The possession of an open container and/or the consumption of alcohol is strictly prohibited.
- (g) *Smoking*. Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-46. - Dubois Park.

- (a) *Hours*. Open for public use from sunrise to sunset.
- (b) *Fires*. Fires are not permitted. Grilling underneath the pavilion is prohibited.
- (c) *Alcohol*. The possession of an open container and/or the consumption of alcohol is strictly prohibited.
- (d) *Smoking*. Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-47. - New Riverside Park.

- (a) *Hours*. Open for public use from sunrise to sunset, unless a special events permit has been issued by the Town of Bluffton in accordance with Chapter 22, Article IV.
- (b) *Smoking*. Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-48. — ~~Buckwalter Place Veterans Memorial Park~~Public Park at Buckwalter Place Multi-County Industrial Park.

- (a) *Hours*. Open from sunrise to sunset, unless a special events permit has been issued by the Town of Bluffton in accordance with Chapter 22, Article IV.

- (b) *Smoking*. Smoking, as defined in Section 18-159 is prohibited. All provisions of Chapter 18, Article VII shall apply, to include penalties as set forth in Section 18-165 which shall prevail over Section 13-49.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-49. - 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 or not to exceed 30 days' imprisonment, or both, for each violation. Each violation shall constitute a separate violation which shall subject the offender to liability prescribed in this section.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-50. - Enforcement.

The responsibility to enforce the rules and regulations set forth in this article is hereby vested in the Town of Bluffton Police Department.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)

Sec. 13-51. - Exceptions.

The Town of Bluffton Town Manager may allow for exceptions to the rules and regulations set forth in this article, on a case by case basis, provided that such exception(s) are in the best public interest and do not otherwise contradict any State or Federal public law. Such exception(s) shall be requested and designated in writing, except where emergency conditions dictate the need for greater expediency. In such cases, documentation of the exception(s) will be accomplished as soon as reasonably possible.

(Ord. No. [2019-11](#), § 1(Exh. A), 8-13-2019)