

ORDINANCE NO. 2024 – _____

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING THE TOWN OF BLUFFTON'S MUNICIPAL CODE OF ORDINANCES, CHAPTER 13, PUBLIC PROPERTY, ARTICLE 2, PUBLIC PARK, DOCK AND BOAT LANDING RULES, AND CHAPTER 12, ARTICLE 3, NOISE, OF THE CODE OF ORDINANCES FOR THE TOWN OF BLUFFTON

WHEREAS, the Code of Ordinances for the Town of Bluffton protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of the Town; and,

WHEREAS, the establishment of standards that will eliminate and reduce unnecessary noises; that are harmful or otherwise detrimental to the enjoyment of life and property and maintenance of business is necessary to protect the quality of life for citizens and businesses of the Town; 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 include the Splash Pad at Oscar Frazier Park and the New Riverside Village Park; and

WHEREAS, on April 8, 2014, Town Council further amended the noise provisions with the adoption of Ordinance 2014-08; and

WHEREAS, the Town invests in parks and public spaces through improvements and capital projects, which may be reserved for special events; and

WHEREAS, noise during special events is governed by the noise ordinance; and

WHEREAS, the Town strives for a balance with special events and functions with residents; and

WHEREAS, it is a privilege to rent and use Town facilities and public spaces; and

WHEREAS, violations of the Town's Ordinances and policies and regulations may result in the denial of future requests for special event permits and facility rentals; and

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 13, Public Property to include recently added amenities and to revise rules associated with noise and special events; and

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, Chapter 13, Public Property; and Chapter 12, Environment, Article III, Noise:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town of Bluffton, South Carolina by adopting and incorporating certain amendments to Chapter 13 – Public Property and Chapter 12 – Environment; as shown on Exhibit A attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances 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 _____ day of _____, 2024.

This Ordinance was read and passed at first reading on **July 9, 2024**.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on _____, **2024**.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

EXHIBIT A

Chapter 13. Public Property, Sec. 13-38. Oyster Factory Park.

(g) Noise. Outdoor Entertainment and Outdoor Live Entertainment as defined in Chapter 12 – Environment, Article III – are prohibited at Oyster Factory Park except between the hours of 12:00 p.m. and 10:00 p.m. on Mondays through Saturdays and between the hours of 12:00 p.m. and 6:00 p.m. on Sundays.

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

(f) *Splash Pad.*

(1) Hours of operation. Open for the public use from 11:00 a.m. to sunset.

(2) Operating Season. April 1st through November 1st. However, during inclement weather, periods of extreme heat, or unforeseen circumstances the operating season and hours of operation may be adjusted accordingly.

(3) The South Carolina Department of Health and Environmental Control (DHEC) Water Regulations and Standards for Public Swimming Pools as amended will apply and indicated with signage approved by DHEC.

Chapter 13. Public Property, Sec. 13-47. New Riverside Park.

(c) Fishing. No person may fish within New Riverside Park without a valid fishing license issued by the State of South Carolina or unless otherwise exempt under state law. All fishing within New Riverside Park shall be catch and release only. The use of traps, spears, gigs, bows, arrows or unattended hooks for fishing is prohibited. Fishing must be in accordance with any and all state regulations.

(d) Alligators. It is unlawful to feed, entice, or molest an alligator except as permitted under state and federal law.

(e) Swimming. No person may swim in any of the bodies of water located within New Riverside Park.

(f) Watercraft. No person may operate a boat, watercraft or any other type of vessel with an outboard or inboard motor, or kayak, canoe, or other non-motorized watercraft on any of the bodies of water located within New Riverside Park, unless such person has the written permission of the Town Manager.

Chapter 12. Environment, Article III. Noise Control

Sec. 12-86. Determination of Noise Disturbance

In determining whether a noise or sound constitutes a noise disturbance violation under this section, the enforcement officer may consider, in addition to all other logically relevant factors, the following:

(k) Whether the noise, bass or vibrations intermittent or constant.

Sec. 12-88. Permits Required.

(h) A violation of any of the provisions of this article may be cause for the immediate revocation of any previously issued permit and may result in the denial of subsequent permit requests.

Table A. Outdoor Entertainment and Outdoor Live Entertainment Noise and Time Limitations.

Day of Week	Outdoor Entertainment Allowed	Outdoor Live Entertainment Allowed	Time Permitted (if allowed)	Maximum Decibel Level - dB(A)	Distance to Sound Source
Sunday	Yes	Yes	12:00p.m. — 6:00p.m. 10:00p.m.	50	250 feet
Monday	Yes	Yes	12:00p.m. — 10:00p.m.	50	250 feet
Tuesday	Yes	Yes	12:00p.m. — 10:00p.m.	50	250 feet
Wednesday	Yes	Yes	12:00p.m. — 10:00p.m.	50	250 feet
Thursday	Yes	Yes	12:00p.m. — 10:00p.m.	50	250 feet
Friday	Yes	Yes	12:00p.m. — 10:00p.m.	50	250 feet
Saturday	Yes	Yes	12:00p.m. — 10:00p.m.	50	250 feet