

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE 2022-7

CITY OF WALHALLA)

AN ORDINANCE TO PROVIDE FOR RULES OF CONDUCT FOR CITY FACILITIES AND PROPERTIES

WHEREAS, The City of Walhalla desires to provide a safe environment for visitors, employees, citizens, and officials; and

WHEREAS, the City of Walhalla is committed to making its facilities and properties that safe environment; and

NOW THEREFORE: it is ordained and enacted that: by the Mayor and Council members of the Municipality of Walhalla, in Council assembled:

PURPOSE

The City Council (the "Council") of the City of Walhalla (the "Municipality") is committed to protecting the rights of citizens under the First Amendment of the United States Constitution, while implementing policies and procedures that protect the health, safety, welfare, and personal privacy of the Municipality's employees and the general public who do business with or use the services of the Municipality. This policy (this "Policy") is intended to delineate those portions of the Municipality Property (as defined herein) that are accessible to and observable by the general public from those portions that are accessible on a limited basis, establish rules of conduct that are applicable to all Municipality Property, and specify procedures for Municipality employees who encounter those who wish to access Municipality Property for observational purposes.

The city council has determined that it is necessary to regulate access to city facilities, grounds and property in order to ensure the safety and security of the public who visit these areas or the city employees who serve them. The conduct of persons who visit city facilities and/or who have contact with city employees must also be regulated to preserve public order, peace and safety. The regulation of access and conduct must be balanced with the right of the public to have reasonable access to public facilities and to receive friendly, professional service from city employees. These regulations apply to all city facilities as defined below, for and over which city council exercises control and regulation, and to the extent, only, not pre-empted by state or federal law.

DEFINITIONS

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Facility means any building, structure, or real property owned, leased, rented, operated or occupied by the city or one of its departments, offices, or agencies.

"Limited Access Area" means any designated area on Municipality Property that is not generally open to or occupied by the public; is open to or occupied by the public on only a limited, as-needed, or by-invitation basis; or is in an area generally open to or occupied by the public in close proximity to where private third parties conduct business with Municipality employees. Limited Access Areas may be designated by doors, physical barriers, building design features, signage, reception desks or stations, stanchions, ropes, fencing, bollards, or other visible indications. The lack of visible indications shall not prevent the Municipality from considering or treating an area as a Limited Access Area. The Municipality shall retain the right to verbally instruct third parties that an area is a Limited Access Area. Without limiting the generality of the foregoing, Limited Access Areas include but are not limited to the following:

- a) Employee offices.
- b) Employee workspaces including copy rooms, mailrooms, and break areas.
- c) Employee parking lots, storage areas, access points, or other outside areas marked for use by Municipality employees or vehicles only.
- d) Areas in close proximity to places, stations, desks, counters, or teller windows at which private third parties conduct business with Municipality employees.
- e) Hallways, staircases, restrooms, elevators, and other areas by purpose or function restricted to limited or transitory occupancy or providing access solely to other Limited Access Areas.
- f) Maintenance, storage, and warehousing facilities.
- g) Public works and public safety buildings, except for any designated waiting or reception areas therein.
- h) Water, sewer, and other public utility facilities.

"Municipality Official" means, for purposes of this policy:

- a) Any Municipality law enforcement officer.
- b) Any person providing security services in any Municipality Property pursuant to contract with the Municipality or with any person, firm, or corporation managing a Municipality Property on the Municipality's behalf.
- c) With respect to any building, facility, area, or space assigned to a Municipality department, division, or agency, the director or manager of such department, division, or agency, or any person that such official specifically designates in writing.
- d) The Municipality Administrator, any Assistant Municipality Administrator, additional officer, or any person that such officials specifically designate in writing.

"Municipality Property" means any real property owned by the Municipality or in which the Municipality has a property interest or property management responsibility

"Public Area" means any area on Municipality Property that is generally open to general public access and occupancy that is not otherwise designated as a Limited Access Area.

"Rules of Conduct" means the specific guidelines set forth in this policy.

RULES OF CONDUCT ON MUNICIPALITY PROPERTY

To maintain an environment that promotes orderly administrative and business operations, and to take reasonable and prudent actions to protect the health, welfare, safety, and personal privacy of all persons at Municipality Property, the Rules of Conduct in this section apply and are to be enforced at all Municipality Property except where specific rules of conduct or prohibitions have been adopted for designated Municipality Property.

Rules of Conduct Applicable to All Municipality Property. The following Rules of Conduct shall apply at all Municipality Property, including both Public Areas and Limited Access Areas:

- a) No person shall enter, attempt to enter, or remain in any areas of Municipality Property for any purpose other than to conduct legitimate business with Municipality offices or tenants located at Municipality Property, to enjoy publicly accessible amenities in Public Areas, to lawfully assemble for social or public interaction in Public Areas specifically designated for such assembly, or to exercise other constitutionally protected rights. The appropriate Municipality Officials may adopt specific policies with respect to Municipality Property under their custody and control to manage conditions for use of such Municipality Property including without limitation to establish hours and terms of use, reservation protocols, use and user priority, and fees for use.
- b) No person shall engage in any activity on Municipality Property that would constitute a violation of federal, state, or local law or regulation.
- c) No person shall engage in activity that disrupts or interferes with the normal operation or administration of Municipality business at Municipality Property, lawful use by Municipality employees and authorized users at Municipality Property, or Municipality-permitted activities.
- d) No person shall stalk, harass, threaten, intimidate, or otherwise compromise the wellbeing and safety of Municipality employees or private third parties lawfully using Municipality Property. Photography, audio recording, or video recording does not, in and of itself, violate this Rule of Conduct. Likewise, conduct that would otherwise violate this Rule of Conduct shall not be permitted merely because the conduct involves photography, audio recording, or video recording.
- e) No person shall interfere or obstruct the free passage of Municipality employees or authorized third parties in or on Municipality Property, including without limitation by standing in, blocking access to, or occupying areas for purposes of photography, audio recording, or video recording.
- f) No person shall photograph, audio record, or video record in such a manner that would allow capture of, access to, or disclosure of private, personal, confidential, sensitive, or privileged information of private third parties. The Municipality may enforce this Rule of Conduct by imposing minimum standing or separation distances from areas, stations, desks, counters, or teller windows at which private third parties conduct business with Municipality employees.

Limited Access Areas The following Rules of Conduct shall apply at all Limited Access Areas:

- a) Limited Access Areas shall be accessible only to the following: (i) employees, elected officials, and appointed officials of the Municipality; and (ii) private parties but only on a limited, as-needed, or by-invitation basis, to include those private parties accessing a Limited Access Area for the express purpose of conducting business with Municipality employees.
 - b) Photography, audio recording, and video recording is prohibited in Limited Access Areas, except as follows: (i) any Municipality Official may authorize audio or video recording or photography in Limited Access Areas, for good cause shown, with the consent of all parties to be recorded or photographed, provided that any Municipality Official may impose appropriate and reasonable conditions on the recording or photography to prevent the unauthorized disclosure of confidential information; and (ii) audio and video recording and photography may be permitted in Limited Access Areas when specifically authorized by applicable law or agreements.
 - c) No person shall photograph, audio record, or video record any private third party lawfully entering into, using, or occupying a Limited Access Area without the express consent of such third party.
- (c) *Prohibited acts.* It shall be unlawful for any person to:
- (1) Utter loud, obscene, profane, threatening, disruptive or abusive language or to engage in any disorderly or disruptive conduct that impedes, disrupts or disturbs the orderly proceedings of operations of any department or function of the city government.
 - (2) Bring, carry, or otherwise introduce any firearm, knife with blade longer than two inches or other dangerous weapon, concealed or not concealed, into any facility or meeting. This prohibition does not apply to law enforcement personnel or any other person whose official, governmental duties require them to carry such firearm, knife, or other weapon.
 - (3) Engage in partisan political activity, including speech, not authorized and called for the purpose of partisan political activity and explicitly authorized for such purpose in the facility in which such activity is to be conducted, or refusing to cease such activity when the activity in question is partisan political activity and it has been directed that such activity stop.
 - (4) Interfere with, impede, hinder or obstruct any city governmental official or employee in the performance of his duties, whether or not on city government property.
 - (5) Enter any area of a city government facility, grounds or property when such entry is prohibited by signs, or obstructed or enclosed by gates, fencing or other physical barriers. Such areas include rooms if clearly marked with signs to prohibit unauthorized entry.
 - (6) Enter by vehicle any area of a city governmental facility, grounds or property when such area is prohibited by signs or markings or are obstructed by physical barriers; or park a vehicle in such restricted areas; or park in a manner to block, partially block or impede the passage of traffic in driveways; or park within 15 feet of a fire hydrant or in a fire zone; or park in any area not designated as a parking space; or park in a handicapped parking space without proper placarding or license plate; or park in a reserved parking space without authorization.

- (7) Use any city governmental facility, grounds or other property for any purpose not authorized by law or expressly permitted by officials responsible for the premises.
- (8) Enter without authorization or permission or refuse to leave any city governmental facility, grounds or other property after hours of operation.
- (9) Obstruct or impede passage within a building, grounds or other property of any city governmental facility.
- (10) Enter, without legal cause or good excuse, a city governmental facility, grounds or property after having been warned not to do so; or, having entered such property, fail and refuse without legal cause or good excuse to leave immediately upon being ordered or requested to do so by an official, employee, agent or representative responsible for premises.
- (11) Damage, deface, injure or attempt to damage, deface or injure a city governmental property, whether real property or otherwise.
- (12) Enter or attempt to enter any restricted or nonpublic ingress point or any restricted access area, or bypass or attempt to bypass the designated public entrance or security checkpoint of a facility without authorization or permission.
- (13) Perform any act which circumvents, disables or interferes with or attempts to circumvent, disable or interfere with a facility's security system, alarm system, camera system, door lock or other intrusion prevention or detection device. This includes, without limitation, opening, blocking open, or otherwise disabling an alarmed or locked door or other opening that would allow the entry of an unauthorized person into a facility or restricted access area of the facility.
- (14) Exit or attempt to exit a facility through an unauthorized egress point or alarmed door.
- (15) The Tri-County Board of Directors for Youth Sports Policy on Inappropriate Behavior dated 9/9/2022 shall also apply to sanctioned sporting events.

EXCLUSION

If a person violates these Rules of Conduct while in or upon Municipality Property, any Municipality Official may eject and direct such person to leave Municipality Property for a period of up to 24 hours. It shall not be necessary for such Municipality Official to allege any crime or other violation of applicable law other than these Rules of Conduct in order to support such notice of exclusion; *provided* that violation of such notice of exclusion may be deemed a trespass under applicable law. The notice of exclusion shall be in writing, given to the person excluded and signed by the Municipality Official. It shall specify the dates and places of exclusion and shall contain a warning of consequences for failure to comply with the notice of exclusion.

SECURITY PROCEDURES

- a) Any person may photograph, film, or record audio of any Public Area. Any such activity should be reported to a Municipality Official, preferably a law enforcement officer if possible.

- b) Municipality employees should refrain from engaging with photographers and videographers wherever possible. Municipality employees should monitor photographers or videographers on Municipality Property, but should refrain from engaging them unless they violate any Rule of Conduct. In the event that engagement is necessary, every effort should be made to respond calmly without escalating the encounter.
- c) A Municipality employee who does not wish to be photographed or recorded may retire to a Limited Access Area.
- d) Municipality employees are not required to respond to questions or demands from any photographer or videographer, and should refrain from doing so if possible.
- e) Municipality employees may invite a private third party conducting business with the Municipality and who do not wish to be photographed or filmed to retire to a more private Limited Access Area in order to complete any business or transaction.
- f) Municipality law enforcement officers may approach photographers and videographers upon a complaint from a member of the public or Municipality employees that the activity is suspicious or based upon their own observation that the activity is suspicious or inconsistent with this Policy. This Policy neither limits nor expands the authority of Municipality law enforcement officers to initiate and pursue investigations, to perform pat downs or frisks based upon reasonable suspicion, or to conduct searches based upon probable cause in accordance with legal authority. Photography, audio recording, or video recording does not, in and of itself, rise to the level of reasonable suspicion or probable cause.

Penalty for violation of section. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with applicable state statutes. In addition, vehicles that are improperly parked on any city property, facility, or other premises may be towed at the owner's expense.

AND IS DONE AND RATIFIED in Council Duly assembled this 18TH Day of OCT 2022.



[Handwritten Signature]

 Danny Edwards, Mayor

ATTEST:
[Handwritten Signature]
 Timothy B. Burton, City Administrator

Introduced By: MR. PACE

First Reading: SEPT 20, 22

Public Hearing,
Second Reading
And Adoption: OCT 18, 22

Tri-County Board of Directors for Youth Sports Policy on Inappropriate Behavior
Last Updated: 9/9/2022

The Directors who make up the Tri-County Board for Youth Sports will continue to follow a "Zero Tolerance" policy regarding inappropriate behavior. This policy will encompass all interactions during the course of the pre-season, regular season and post-season, which shall include but not be limited to the following: practices, games, jamborees, homecomings, opening day ceremonies, all-stars, tournaments and any other league sponsored event(s).

Spectator Parent Conduct:

All parents/spectators should remember that their actions at game and/or practices reflect directly on the children.

Tobacco products should be refrained from being used in the presence of the kids. Several city recreation departments are currently looking at adopting the Pickens County School Board policies on tobacco free facilities. You will be notified at the games if this issue has been put in place and ask that you honor it.

Rules **ALL** Parents, Spectators and Coaches Need to Abide By:

1. IF A PARENT OR COACH IS EJECTED FOR UNRULY BEHAVIOR, THE PLAYER MUST LEAVE ALSO. Ejected persons must leave the facility grounds immediately!
2. IF an INDIVIDUAL (regardless adult or child) goes after a PLAYER, COACH, REFEREE, GAME MANAGEMENT STAFF or SPECTATOR in a manner that is foreseen to the nature of VIOLENT, AGGRESSIVE, DAMAGING, THREATENING, STALKING, MALICIOUS or etc. then that individual will not only be ejected from the facility immediately as stated in Rule # 1, but at A MINIMUM they will be required to forfeit their season with the Tri-County League. If the individual is an adult with a child in the league, then their child will lose their privilege to play for the rest of the season. Legal ramifications may follow depending on the situation at hand per 2009 South Carolina Code 22-3-560 *Assaults and batteries; assaults and batteries against sports officials and coaches* and the host sites departmental policies (See Attachment A for full code).
3. Over the years, it has been harder and harder for departments to find quality high school officials due to fans badgering and belittling officials without intervention by recreation departments. The Tri-County Board has addressed this with the following: No fan or spectator may in any way harass criticize officials before, during, or after a ballgame. Fans that are observed doing this will be given one warning. Continued problems, the fan will be asked to leave facility grounds/or removed by local law enforcement.

4. All departments are required to request the presence of at least one Police Officer for each night that the department host home games for tackle football pre-season events (i.e. jamborees), regular season games and post season games (including All Stars knowing that this goes above the requirement from SCAP). Each department is required to request the presence of at least one Police Officer for post season play in basketball (including All Stars knowing that this goes above the requirement from SCAP). It is just a recommendation to have at least one Police Officer present at other sporting events hosted by departments throughout the year.
5. All facilities located in the Tri-County Football League are under police/sheriff's department jurisdiction therefore, unruly fans can be in violation of the state code for disorderly conduct. Law enforcement has full authority over all public facilities/grounds. State Code: 16-17-530.
6. Anyone entering public facility/grounds under the influence of alcohol is subject to removal and/or arrest under State Code: 16-17-530.
7. Municipal facilities fall under state, county, or municipal litter laws, so please place any and all trash in trash receptacles. State Code: 16-11-700.
8. Foul language will not be allowed at any sporting events or public grounds/facilities. State Code: 16-17-530.
9. Spectators are not allowed on the sidelines, field or court before, during or after a ballgame except for a medical emergency. Any spectator in violation of this rule will at minimum be removed from the field or court adhering to rules 1 and 2 listed at the beginning of this document.
10. Due to privacy laws, at no time can any parent/spectator, ask to see Birth Certificates, etc. A coach may request to see the "certified roster" where player's birth certificates were checked. Only on-site representatives may review Birth Certificates for players not certified.
11. The Tri-county Board of Directors for Youth Sports, recognizes the importance of the Internet in shaping the public's perception. The Board of Directors also recognizes the importance of our volunteers, employees and parents in leading and setting the tone of social media interactions. Personally identifiable information (such as a name and date of birth and/or a street address which, when taken together, can identify a particular individual) should not be disclosed in any manner on any social networking site without the approval of the recreation department directors, coaches, officials and/or parents/guardians.
12. Since most municipalities have ordinances concerning the discharge of air horns, etc and artificial noisemaking devices are disruptive to not only the players but fellow spectators, all artificial noisemaking devices such as air horns, megaphones, cowbells, etc. will not be tolerated at any game and violator is subject to removal.
13. Drones will not be allowed in any facility during practices, games, jamborees or tournaments for safety concerns.

Violators of any of the above may be fined up to 100.00 or up to 30 days in jail with the exception of littering punishable by up to \$300.00 or 30 days in jail.

Ignorance of state and county laws or municipal ordinances is no excuse for inappropriate behavior.

Please be respectful of others and set forth examples we want our children to follow.

Thank you!

Tri-County League Board of Directors

ATTACHMENT A

SECTION 22-3-560. Assaults and batteries against sports officials and coaches.

LINK: <https://law.justia.com/codes/south-carolina/2009/title-22/chapter-3/>

- (A) Magistrates may punish by fine not exceeding five hundred dollars or imprisonment for a term not exceeding thirty days, or both, all assaults and batteries and other breaches of the peace when the offense is neither an assault and battery against school personnel pursuant to Section 16-3-612 nor an assault and battery of a high and aggravated nature requiring, in their judgment or by law, greater punishment.

- (B) Magistrates may punish by fine not exceeding one thousand dollars or imprisonment for a term not exceeding sixty days, or both, all assaults and batteries against sports officials and coaches when, in committing an assault and battery, the offender knows the individual assaulted to be a sports official or coach at any level of competition and the act causing the assault and battery to the sports official or coach occurred within an athletic facility or an indoor or outdoor playing field or within the immediate vicinity of the athletic facility or an indoor or outdoor playing field at which the sports official or coach was an active participant in the athletic contests held at the athletic facility. For the purposes of this subsection, "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire, referee, scorekeeper, and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest.