STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2021- 1762

AN ORDINANCE

TO PROVIDE GUIDANCE TO THE CITIZENS OF LANCASTER COUNTY IN RESPONSE TO SOUTH CAROLINA'S ENACTMENT OF THE OPEN CARRY WITH TRAINING ACT, RELATING SPECIFICALLY TO THE COUNTY'S AUTHORITY TO REGULATE THE OPEN CARRYING OF A FIREARM ON PUBLIC PROPERTY DURING CERTAIN EVENTS

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The County Council (the "Council") of Lancaster County, South Carolina (the "County"), hereby finds and determines:

(A) The South Carolina General Assembly passed the Open Carry With Training Act (hereinafter, "the Act"), and Governor Henry D. McMaster signed the Act into law on May 17, 2021; and

(B) Due to the Act's 90-day implementation delay, the law will not go into effect until August 15, 2021; and

(C) The Act will allow for a person to carry a handgun openly on or about his person so long as the person has received a valid concealed weapons permit from the South Carolina Law Enforcement Division pursuant to the provisions set forth in Article 4, Chapter 31, Title 23 of the South Carolina Code; and

(D) Pursuant to amended Section 23-31-520 of the South Carolina Code, counties and other local governments throughout the state may temporarily restrict the otherwise lawful open carrying of a firearm on public property during certain events; and

(E) Lancaster County Council wishes to provide guidance to the citizens of Lancaster County in response to the Act and to provide for the public health and safety for the citizens of Lancaster County by its regulation of the open carrying of a firearm on public property during certain events.

Section 2. Temporary Restriction of Open Carry On Public Property With Permit.

(A) Notwithstanding another provision of law, Lancaster County may temporarily restrict the otherwise lawful open carrying of a firearm on public property when issuing a permit to allow a public protest, rally, fair, parade, festival, or other organized event. However, if a permit is not applied for and

issued prior to an event as described in this subsection, Lancaster County may not exercise the provisions of this subsection.

(B) Permits shall be required of any person or entity hosting a protest, rally, fair, festival, or other organized event on public property.

(C) A person or entity hosting a public protest, rally, fair, parade, festival, or other organized event must post signs at the event when open carrying is allowed or not allowed at the event pursuant to the terms of the issued permit.

(D) Lancaster County, when exercising the authority granted to them by amended Section 23-31-520 of the South Carolina Code, must be specific in the area, duration, and manner in which the restriction upon open carry is imposed and must provide prior notice of the restriction when feasible. In no event may the restriction extend beyond the beginning and conclusion of the event or beyond the location of the event.

(E) The duration of an event may not be scheduled for such a length of time as to frustrate the intent of this Ordinance.

(F) Lancaster County may not confiscate a firearm or ammunition for a violation of this Ordinance unless incident to an otherwise lawful arrest.

Section 2. Authority to Act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to take such actions and do any and all things necessary or desirable in connection with implementing this ordinance and effectuating the intent of this ordinance.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent to of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading: August 9, 2021
Public Hearing: August 23, 2021 (tentative)
Second Reading: August 23, 2021 (tentative)
Third Reading: September 13, 2021 (tentative)

Approved as to form:

_____
John DuBose, County Attorney