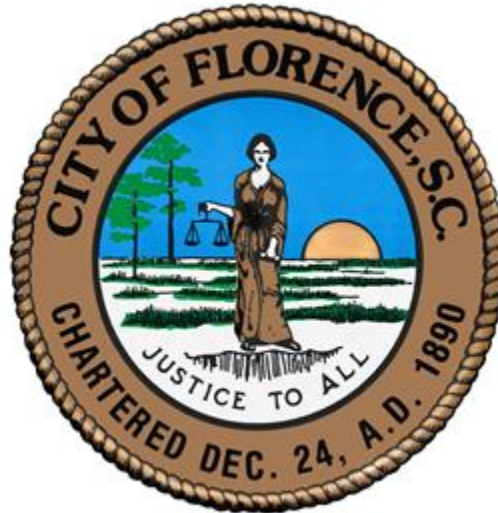


**SPECIAL MEETING  
OF  
FLORENCE CITY COUNCIL**



**COUNCIL CHAMBERS  
324 W. EVANS STREET  
FLORENCE, SOUTH CAROLINA**

**MONDAY  
November 1, 2021  
4:00 P.M.**



**SPECIAL MEETING OF FLORENCE CITY COUNCIL  
MONDAY, NOVEMBER 1, 2021 – 4:00PM  
CITY CENTER – COUNCIL CHAMBERS  
324 WEST EVANS STREET  
FLORENCE, SOUTH CAROLINA**

**I. CALL TO ORDER**

**II. INVOCATION**

Pledge of Allegiance to the American Flag

**III. ORDINANCES IN POSITION**

**a. Bill No. 2021-36 – Second Reading**

An Ordinance utilizing authority found in §23-31-220 and §23-31-520 of the South Carolina Code of Laws, as amended, to prohibit open carry of “Firearms” at all events permitted by the City of Florence and to expand the current prohibition of concealable weapons on properties owned or operated by the City of Florence to include both concealed and open carry of “concealable weapons” by amending Sections 14-20, 19-52, 19-53, 19-54, and 19-57 and by adding Article V to Chapter 2 of the City Code of Ordinances.

**IV. ADJOURN**

ORDINANCE NO. 2021-\_\_\_\_

AN ORDINANCE UTILIZING AUTHORITY FOUND IN §23-31-220 AND §23-31-520 OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED, TO PROHIBIT OPEN CARRY OF “FIREARMS” AT ALL EVENTS PERMITTED BY THE CITY OF FLORENCE AND TO EXPAND THE CURRENT PROHIBITION OF CONCEALABLE WEAPONS ON PROPERTIES OWNED OR OPERATED BY THE CITY OF FLORENCE TO INCLUDE BOTH CONCEALED AND OPEN CARRY OF “CONCEALABLE WEAPONS” BY AMENDING SECTIONS 14-20, 19-52, 19-53, 19-54, AND 19-57 AND BY ADDING ARTICLE V TO CHAPTER 2 OF THE CITY CODE OF ORDINANCES.

**Incident to adoption of this Ordinance, City Council ("Council") makes the following findings of fact:**

1. On May 17, 2021, the Governor of South Carolina signed the “Open Carry with Training Act” into law with a 90-day implementation period. This law redefines “concealable weapon” to allow open carry of certain weapons in South Carolina.
2. Section 23-21-220 of the Act makes it clear that the new law does not affect the right of a public or private entity from prohibiting the carrying of a concealable weapon, “...whether concealed or openly carried, upon the premises of the business or workplace or while using any machinery, vehicle, or equipment owned or operated by the business ...”.
3. Section 23-31-520(A) of the Act further provides as follows:

Notwithstanding another provision of law, a governing body of a county, municipality, or political subdivision may temporarily restrict the otherwise lawful open carrying of a firearm on public property when a governing body issues 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, a county, municipality, or political subdivision may not exercise the provisions of this subsection. 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.
4. The carrying of concealed weapons on properties owned or operated by the City has historically been prohibited, and the required signage has been posted.

5. With the new statutory provisions allowing open carry of concealable weapons, the City finds that it should amend its historical position on concealable weapons on properties it owns or operates to expand the prohibition to include both concealed carry and open carry as allowed by §23-31-220.
6. In addition, with respect to events permitted by the City pursuant to Chapter 19, Article III of the Florence Code of Ordinances, we find and conclude that the statutory allowance of open carry of concealable weapons creates the additional dangers, including but not limited to the concerns listed below, all of which make it in the best interest of the city and its residents and visitors that the City act in accordance with §23-31-520(A) to restrict the carrying of firearms at events permitted by the City. The dangers and concerns identified at this time are the following:
  - (a) Open carry of firearms in crowded venues raise serious issues from the danger that such weapons may be stolen or that their presence may cause incidents of physical confrontations as a result of attempts to steal or confiscate such weaponry.
  - (b) The individual and/or their openly carried firearm are more likely to become the target of a violent offender.
  - (c) People who open carry are more apt to use a readily available firearm in a situation where deadly force is not justified.
  - (d) Open carry causes concern for many people and crowded venues can exaggerate the level of concern.
  - (e) It is anticipated that open carry will generate more law enforcement calls for service from people who are concerned by the open presence of firearms in a crowded venue.
7. The prohibition of concealable weapons on properties owned or operated by the City requires signage as prescribed in detail by §23-31-220 and §23-31-235 of the SC Code of Laws, as amended.
8. The prohibition of open carry of firearms at events permitted by the City requires signage and notice as specified in §23-31-520.



**NOW, THEREFORE, BASED UPON THE FINDINGS OF FACT SET OUT ABOVE, IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FLORENCE, SOUTH CAROLINA AS FOLLOWS:**

a. A new Article V, Section 2-300 is hereby added to the City Code of Ordinances pursuant to the authority set forth in §23-31-220 of the SC Code of Laws, as amended, to prohibit the carrying of a concealable weapon on properties owned or operated by the City or while using any machinery, vehicle, or equipment owned or operated by the City, whether concealed or openly carried, said new Code section to read in its entirety as set forth on Exhibit A hereto

b. Code Section 14-20 of the City Code of Ordinances is hereby repealed and replaced in its entirety so that it reads as set forth on Exhibit B hereto.

c. Code Section 19-52 of the City Code of Ordinances is hereby amended to add a new subparagraph (c) which shall read in its entirety as set forth on Exhibit C hereto.

d. Code Section 19-53 of the City Code of Ordinances is hereby amended pursuant to the authority set forth in §23-31-520 of the SC Code of Laws, as amended, to prohibit the open carrying of a concealable weapon at events permitted by the City to add a new subparagraph (6) which shall read in its entirety as set forth on Exhibit D hereto.

f. Code Section 19-54 of the City Code of Ordinances is hereby amended to add a new subparagraph (d) which shall read in its entirety as set forth on Exhibit E hereto.

g. Code Section 19-57 of the City Code of Ordinances is hereby amended to change subparagraph (a)(1) to read in its entirety as set forth on Exhibit F hereto and to repeal subparagraph (7) and add new subparagraphs (7), (8), and (9) to read in their entirety as set forth on Exhibit F hereto.

**AND IT IS SO ORDAINED** this \_\_\_\_ day of November, 2021.

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**JAMES W. PETERSON, JR.**  
City Attorney

\_\_\_\_\_  
**TERESA MYERS ERVIN**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**CASEY C. MOORE**  
Municipal Clerk

# EXHIBIT A

## New Chapter 2, Article V, Section 2-300

### ARTICLE V. CITY OWNED BUILDINGS, PREMISES, WORKPLACES, EQUIPMENT, AND VEHICLES

#### Sec. 2-300. Prohibition of Concealable Weapons.

(a) Pursuant to the authority set forth in §23-31-220 of the SC Code of Laws, as amended, the City of Florence hereby prohibits the carrying of a concealable weapon as follows:

(1) The concealed and open carry of concealable weapons are prohibited in buildings owned or operated by the City or while using any machinery, vehicle, or equipment owned or operated by the City.

(2) The open carry of concealable weapons is prohibited on all properties owned or operated by the City with the exception of streets, roads and public rights of way.

(b) The City will utilize signage as prescribed by §23-31-220 and §23-31-235 of the SC Code of Laws, as amended to notify the public of the prohibitions set forth in (a) above.

(c) The prohibition of carrying concealable weapons set forth above does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

## EXHIBIT B

### Code Section 14-20. Carrying Concealable weapons/Firearms, Whether Open or Concealed

#### Sec. 14-20. Carrying Concealable Weapons/Firearms, Whether Open or Concealed.

(a) It shall be unlawful to carry a concealable weapon as prohibited by Sec. 2-300 on properties owned or operated by the City as follows:

(1) The concealed and open carry of concealable weapons are prohibited in buildings owned or operated by the City or while using any machinery, vehicle, or equipment owned or operated by the City.

(2) The open carry of concealable weapons is prohibited on all properties owned or operated by the City with the exception of streets, roads and public rights of way.

(b) It shall be unlawful to openly carry a firearm at events permitted by the City as prohibited by Sec. 19-53 and Sec. 19-54.

(c) It shall be unlawful to openly carry a firearm at picketing events permitted by the City as prohibited by Sec. 19-57.

(d) The prohibition of carrying concealable weapons and/or firearms set forth above does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

# EXHIBIT C

**Code Section 19-52 is Amended to add a new subparagraph (c) which will read as follows:**

(c) The organizer of a permitted event, or the person designated in the permit as the one who will carry the maintain permit, shall be responsible for working with the city to post conspicuous signage at the permitted event location informing participants that the open carry of firearms is prohibited for the duration of the permitted event.



## EXHIBIT D

**Code Section 19-53 is amended to add a new subparagraph (6) which will read as follows:**

- (6) Pursuant to the authority set forth in §23-31-520 of the SC Code of Laws, as amended, it shall be unlawful to openly carry a firearm at such events permitted by the City. Provided, however, the prohibition of openly carrying firearms set forth herein does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

## EXHIBIT E

**Code Section 19-54 is amended to add a new subparagraph (d) which will read as follows:**

- (d) Pursuant to the authority set forth in §23-31-520 of the SC Code of Laws, as amended, it shall be unlawful for any member of the public to openly carry a firearm at a parade, public assembly, or block party permitted by the City. Provided, however, the prohibition of openly carrying firearms set forth herein does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

# EXHIBIT F

**Code Section 19-57(a)(1) is Amended to read as follows:**

(1) The organizer of the picketing event shall give written notice to the city and request a picketing permit at least twenty-four (24) hours prior to picketing unless such event is an ultra-spontaneous event occasioned by news or affairs coming into public knowledge on the same day of such picketing event, in which case the twenty-four (24) hour requirement shall be waived, but notice shall be given. The City Manager or the City Manager's designee shall issue a permit for the picketing event subject only to the requirements set forth below in subparagraphs (2)-(8).

**Code Section 19-57(a) is Amended to repeal subparagraph (7) and add new subparagraphs (7), (8), and (9) which shall read as follows:**

(7) For public safety reasons, the following are prohibited in the immediate proximity of pickets, and due notice shall be included in every picketing permit that these restrictions apply;

- (i) Open flames and combustible solids;
- (ii) Sticks, poles, selfie sticks, or other similar elongated solid objects capable of inflicting bodily harm as a striking or stabbing object, excluding commercially available corrugated cardboard tubing as the supporting article for signs, flags, and the like;
- (iii) Backpacks, satchels, bags, coolers, or similar personally carried containers exceeding six inches by eight inches by three inches, except when said container is completely clear and see-through;
- (iv) Pursuant to S.C. Code §23-31-520, as amended, the open carry of any firearm;
- (v) Any mechanical or handmade contrivance that launches any projectile of solid, liquid, or gaseous composition, including aerosols/pressurized canisters;
- (vi) Any stabbing, cutting, slicing, or striking blade, whether of metal or other solid composition;
- (vii) Any striking object, such as a bat, stick, brass knuckles, martial arts weapons, implement handles and the like, which would inflict bodily injury;

- (viii) Any fascial mask, headgear, or cloth worn over any portion of the face which prevents facial identification of a person 14 years of age or older;
- (ix) Any carried object that resembles or serves the purpose of a shield;
- (x) Any armor of defensive covering that resembles the purpose of a defensive body armor;
- (xi) Carried signage exceeding the size restrictions set forth in subsection (3) above; and
- (xii) Bicycles, automobiles, and mopeds.

This subsection shall not apply to law enforcement officers while in the discharge of their duties.

(8) Provided, however, the prohibition of openly carrying firearms set forth herein above does not apply to regular salaried law enforcement officers and reserve law enforcement officers of a South Carolina state agency, municipality, county, or law enforcement officers of the federal government or other states when carrying out official duties while in South Carolina, or members of the Armed Forces of the United States, the National Guard, or the South Carolina State Militia when carrying out official duties.

(9) The organizer of a picket, or the person designated in the permit as the one who will carry the permit shall be responsible for posting conspicuous signage at the picketing location informing participants that the open carry of firearms is prohibited for the duration of the picket.

(10) Picketing done contrary to this section shall be unlawful and punishable pursuant to Sec. 1-7 of the City Code of Ordinances. Police or city personnel may confiscate any of the items listed in this Code Section if a picket participant refuses to remove the prohibited item from the picketing site, with the exception of firearms in accordance with S.C. Code Ann. §23-31-520. A firearm or ammunition may be seized or confiscated pursuant to a lawful arrest.