

ORDINANCE NO.: 2015-066

*Emergency Ordinance for the Temporary Ban of Weapons
within a two hundred fifty (250') foot area surrounding the South Carolina State House Grounds*

WHEREAS, the City Of Columbia is the capitol of the State of South Carolina and contains many government office buildings, including the South Carolina Statehouse (Capitol Building) and grounds (Capitol Grounds); and,

WHEREAS, the Capitol Grounds are defined by *Code of Laws of South Carolina Section 10-11-310 (1969)* as being "that area inward from vehicular traveled surfaces of Gervais, Sumter, Senate and Assembly Streets in the City of Columbia"; and,

WHEREAS, the tragic events at Emmanuel A.M.E. Church in Charleston, South Carolina have brought national and international attention to the South Carolina Infantry Battle Flag which flies at the Confederate Soldier Monument on the Capitol Grounds adjacent to the intersection of Gervais Street and Main Street in the City of Columbia; and,

WHEREAS, the continued debate about the South Carolina Infantry Battle Flag has sparked public demonstrations and assembly by persons both for and against the removal of said flag; and,

WHEREAS, although the Department of Public Safety and the Bureau of Protective Services have primary jurisdiction over the Capitol Building and Grounds, the City of Columbia Police Department is responsible for the public safety and peaceable assembly of persons in the areas surrounding and contiguous to the borders of the Capitol Grounds (the Capitol Grounds curtilage); and,

WHEREAS, there were planned demonstrations in the next few weeks by groups which are identified as "hate groups" by the Southern Poverty Law Center, including the White Knights of the Ku Klux Klan and the New Black Panther Party; and,

WHEREAS, social media and other sources have indicated that many of the protestors would be carrying weapons with them; and,

WHEREAS, the passage of Senate Bill S.897 on July 9, 2015, and the scheduled removal of the South Carolina Infantry Battle Flag at 10:00 a.m. on July 10, 2015, has added expediency to the need to take precautionary measures to protect life and property surrounding the Capitol Grounds; and,

WHEREAS, *Code of Laws Section 10-11-320 (1976, as amended)* states:

(A) It is unlawful for any person or group of persons to:

(1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; and,

WHEREAS, holders of Concealed Weapon Permits (CWP) are exempted from this prohibition only if they are also "authorized to park on the capitol grounds or in the parking garage below the capitol grounds" [*Code of Laws of South Carolina Section 10-11-320(B)*], thereby making it illegal to have a concealed weapon on the Capitol Grounds even with a concealed weapon permit unless under these specific circumstances; and,

WHEREAS, the South Carolina legislature has not defined the terms "have readily accessible" for the purposes of enforcing Section 10-11-320 (1976); and,

WHEREAS, the City of Columbia, by and through its Police Department and its Public Works Department, has determined concealed weapons are "readily accessible to the person" if the weapon is on the person of

someone within the area inward from vehicular traveled surfaces of Gervais, Sumter, Pendleton and Assembly Streets in the City of Columbia (Capitol Complex) or within 250 feet of the borders of the Capitol Complex; and,

WHEREAS, the City Council of the City of Columbia is empowered by *Code of Laws of South Carolina Section 5-7-30 (1976, as amended)* to enact ordinances which preserve "health, peace, order and good government" within its jurisdictional borders; and,

WHEREAS, the City Council of the City of Columbia is empowered by *Code of Laws of South Carolina Section 5-7-250(d) (1975, as amended)* allows for an emergency ordinance to be enacted to meet public emergencies affecting, life, health, safety or the property of the people without regard to any reading, public hearing, publication requirements or public notice requirements; and,

WHEREAS, during this period of extraordinary circumstances which have arisen, the City of Columbia believes it is in the best interests of public safety, free speech and freedom of peaceable assembly to temporarily extend the existing ban against weapons as enacted by the South Carolina General Assembly within 250 feet of the borders of the Capital Complex; NOW, THEREFORE,

BE IT ORDAINED by the Mayor Pro Tempore and City Council of the City of Columbia this 9th day of July, 2015, as follows:

1. It is unlawful for any person or group of persons while on public property to carry or brandish a firearm or dangerous weapon within two hundred fifty (250') feet to the borders of the Capitol Complex as depicted on the attached map, unless that person is a licensed law enforcement officer or the provisions of South Carolina Code of Laws Section 10-11-320(B) (1976, as amended) are applicable.

2. That any person found in violation of this Ordinance will be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred and No/100 (\$500.00) Dollars or by imprisonment for not more than thirty (30) days, or both.

This Ordinance shall be in full force and effect for a period of thirty (30) days from the date of its passage by a majority vote of City Council and will expire automatically unless it is extended by a majority vote of City Council.

Requested by:

City Manager _____



Mayor Pro Tempore

Approved by:



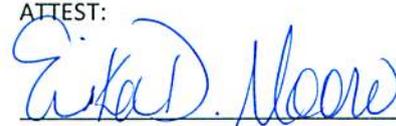
City Manager

Approved as to form:



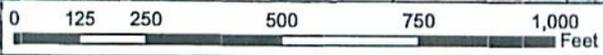
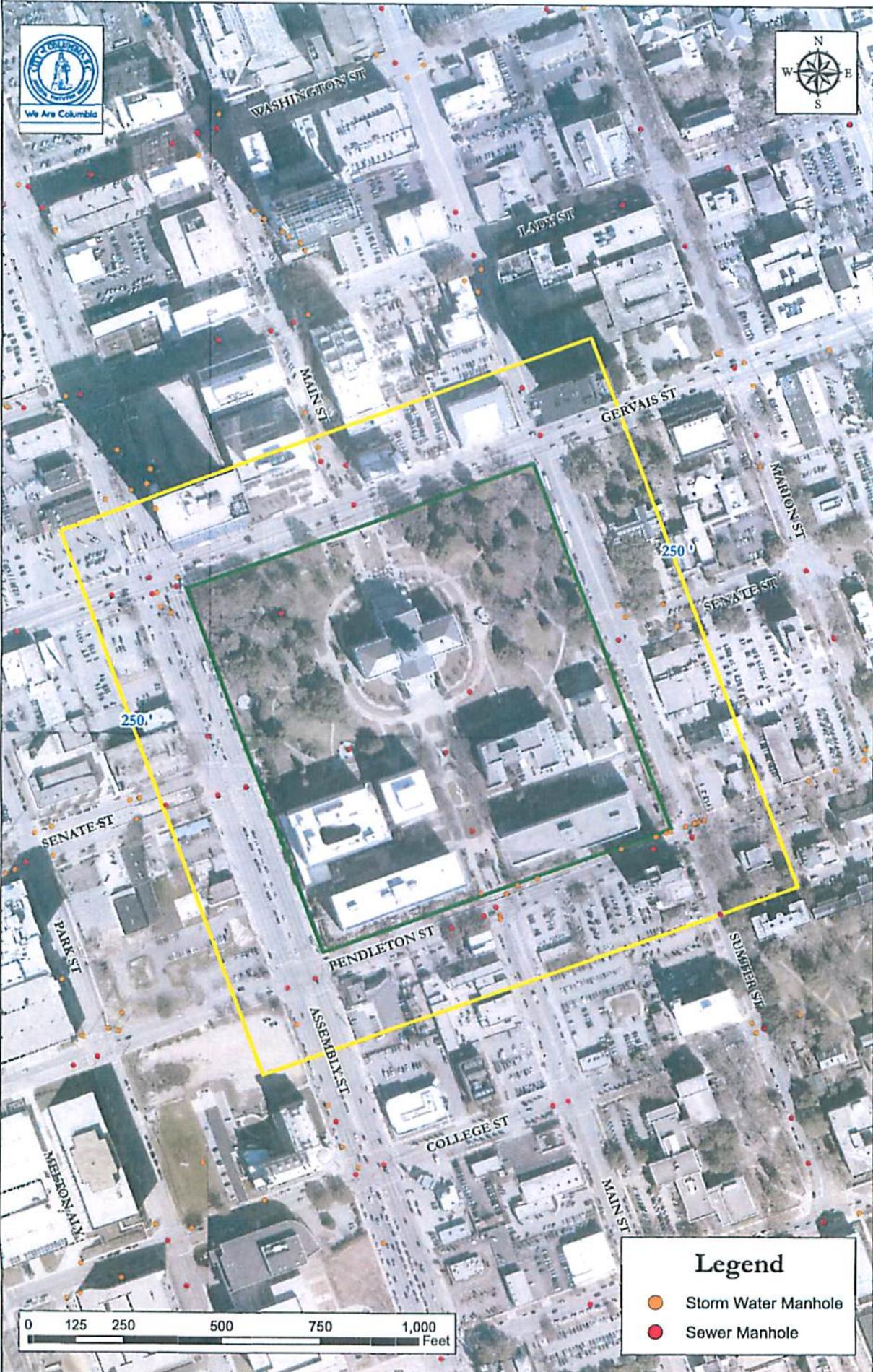
Assistant City Attorney

ATTEST:



City Clerk

Introduced: July 9, 2015
Final Reading: July 9, 2015



Legend

- Storm Water Manhole
- Sewer Manhole