

ORDINANCE NO. **18-08-39**

**AN ORDINANCE TO PROHIBIT DISCHARGING A FIREARM IN THE
BERKELEY COUNTRY CLUB ESTATES COMMUNITY**

WHEREAS, citizens of the Berkeley County Club Estates Community, which includes Baron's Retreat for the purposes of this ordinance, have reported to members of County Council that there is a need to regulate the discharge of firearms within the District near residences and,

WHEREAS, limitations on the discharge of firearms are necessary to promote the safety and well-being of the citizens of the Berkeley Country Club Estates; and

WHEREAS, County Council does not want to unreasonably inhibit the citizens of Berkeley County in the exercise of their rights under the Second Amendment of the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED BY THE BERKELEY COUNTY COUNCIL:

SECTION 1. Authority

This ordinance is enacted pursuant to the authority of South Carolina Code of Laws Section 4-9-25 and 30.

SECTION 2. Firearm

Firearm as defined herein shall mean any handgun, shotgun, or rifle which expels a projectile by action of an explosion.

SECTION 3. Restrictions

- A) It is unlawful for any person to discharge a firearm within the geographical boundaries of the Berkeley Country Club Estates.
 - a. The boundaries of the county club estates extend from the boundary of Lewis field plantation to the North identified by TMS# 162-00-02-011 to the boundary of Mulberry plantation to the South identified by TMS# 181-00-02-067 and from the east starting on the western bank of the rice field identified by TMS# 162-00-03-007 extending westward to hwy. 52 and the boundary of the Golf Course identified by TMS# 162-00-02-010.
 - b. The boundaries of The Berkeley Country Club Estates can be more clearly identified by the attached map.
- B) This section shall not be construed as prohibiting discharge of a firearm when used:
 - (1) In lawful defense of person or property;

- (2) Pursuant to lawful directions of law enforcement officers;
- (3) By law enforcement officers acting in the line of duty or during official law enforcement related training;
- (4) By members of the armed forces acting in the line of duty;
- (5) At historical ceremonial or commemoration functions held for such purposes provided in no event shall live ammunition be used or discharged;
- (6) At lawfully sanctioned instructional or recreational activities intended to further the use of safe firearms practices;
- (7) At a properly permitted Turkey Shoot as outlined by the Berkeley County Office of the Planning and Zoning Department;
- (8) At a properly licensed, permitted, or otherwise lawfully established and organized gun range designed for the discharge of firearms.

Section 4. Violations and Enforcement

- A) Any person who violates these provisions shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not more than \$500.00 or be imprisoned for a period not exceeding 30 days. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.
- B) All law enforcement agencies lawfully operating within their jurisdiction are authorized to enforce the provisions of this article.

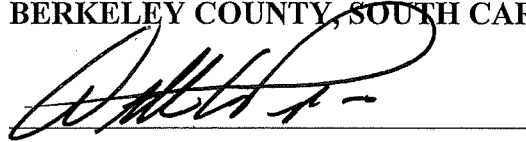
Section 5. Additional Terms

- A) *Severability.* Should any section, paragraph, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.
- B) *Conflicting Ordinances.* All ordinance or parts of ordinances in conflict with this ordinance or inconsistent with its provisions are hereby repealed or superseded to the extent necessary to give this ordinance full force and effect.
- C) *Effective Date.* This ordinance shall take effect on the date of its adoption.

Adopted this 13th day of August, 2018.

(SEAL)

BERKELEY COUNTY, SOUTH CAROLINA



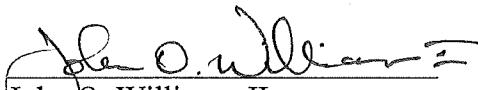
William W. Peagler, III, Chairman
Berkeley County Council

Attest:



Catherine R. Windham
Clerk to County Council

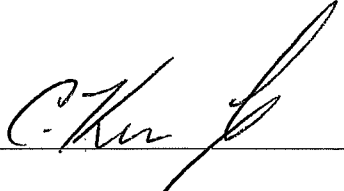
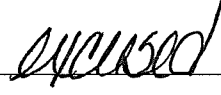
Approved as to form:





John O. Williams, II
County Attorney

First Reading:	March 26, 2018
Second Reading:	April 23, 2018
Public Hearing:	May 29, 2018
Third Reading:	August 13, 2018

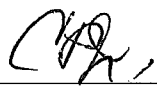
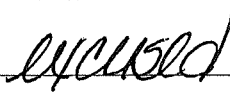
MEMBERS OF COUNTY COUNCIL


C. KEVIN COXVoting YES
DENNIS L. FISH

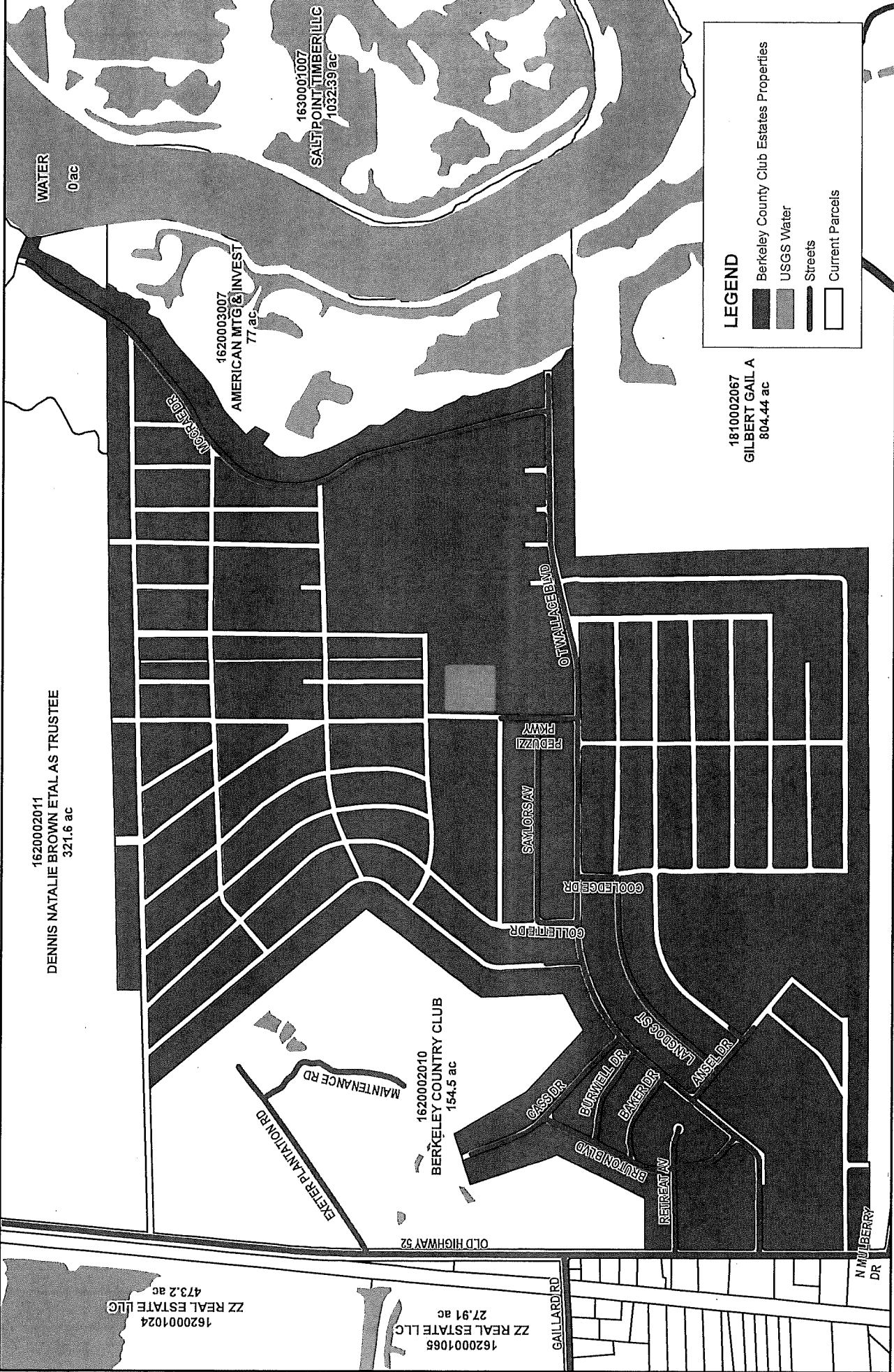
Voting _____


JOSHUA S. WHITLEYVoting YES
JACK H. SCHURLKNIGHTVoting YES
KENNETH E. GUNN, JR.

Voting _____

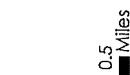

CALDWELL PINCKNEY, JR.Voting 
JOE T. NEWELLVoting YES
STEVE C. DAVIS

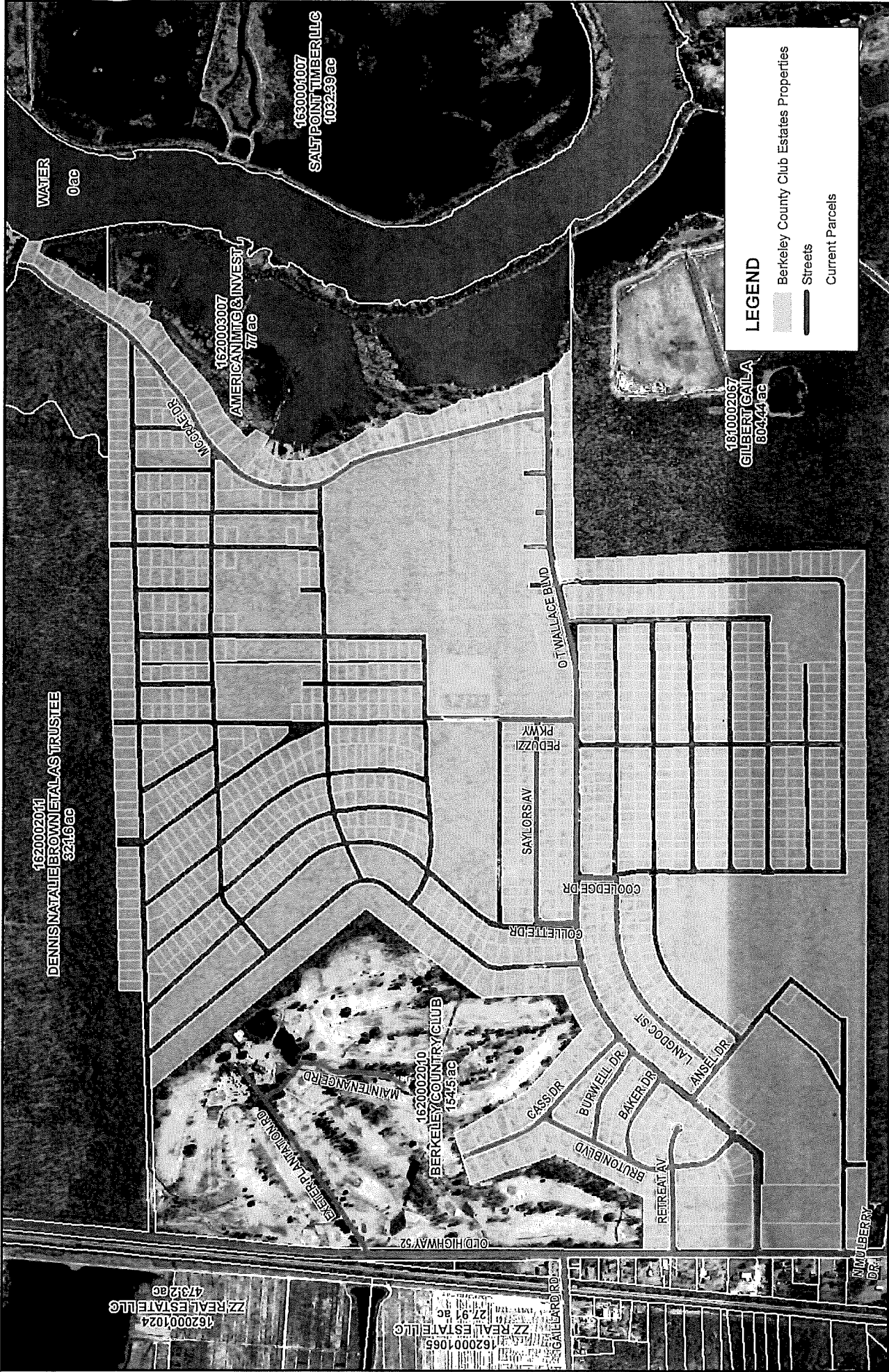
Voting _____



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Date: 3/15/2018





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