

**AN ORDINANCE**

**AMENDING CHARLESTON COUNTY ORDINANCE 14.5-4 (PARKING RULES AND REGULATIONS AND RESTRICTIONS ON COMMERCIAL USE OF PUBLIC BOAT LANDINGS AND RAMPS) SO AS TO ADD THE CONSUMPTION OF ALCOHOLIC BEVERAGES AT A PUBLIC BOAT LANDING TO THE LIST OF OFFENSES, TO PROHIBIT AND MAKE UNLAWFUL THE OPERATION OF ALL-TERRAIN VEHICLES AT A PUBLIC BOAT LANDING, TO PROHIBIT AND MAKE UNLAWFUL THE DISCHARGE OF FIREARMS AT PUBLIC BOAT LANDINGS EXCEPT AS OTHERWISE PERMITTED, TO REVISE THE PENALTY PERTAINING TO SUCH VIOLATIONS, AND TO AMEND THE HEADING OF SAID SECTION.**

**WHEREAS**, §14.5-4 of the Charleston County Code of Ordinances makes unlawful certain parking violations and uses at public boat landings; and

**WHEREAS**, there currently exists no prohibition under state law or county ordinance against the consumption of alcoholic beverages at public boat landings; and

**WHEREAS**, the consumption of alcoholic beverages at public boat landings is a nuisance and creates the potential for public safety issues for those citizens utilizing public boat landings; and

**WHEREAS**, the operation of all-terrain vehicles (ATVs) on the premises of public boat landings presents a safety hazard and causes damage to the grounds of such public boat landings; and

**WHEREAS**, the discharge of firearms at public boat landings presents a clear danger to those dwellings, structures, and persons in proximity to the boat landings and is both careless and negligent; and

**WHEREAS**, the Charleston County Park and Recreation Commission and Charleston County Sheriff’s Office have requested that such prohibitions and offenses be made a part of the Charleston County Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by County Council in a meeting duly assembled as follows:

**SECTION I. FINDINGS INCORPORATED**

The above-referenced recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II. PURPOSE**

The purpose of this Ordinance is to amend Charleston County Ordinance §14.5-4 so as to

add certain prohibitions, make conforming changes, and to revise the penalty for those offenses.

**SECTION III. CONSUMPTION OF ALCOHOLIC BEVERAGES AT PUBLIC BOAT LANDINGS MADE UNLAWFUL**

Charleston County Ordinance §14.5-4 is hereby amended so as to add the item “Consume alcoholic beverages upon the premises of any public boat landing” to the list of offenses contained therein.

**SECTION IV. OPERATION OF ALL-TERRAIN VEHICLES AT PUBLIC BOAT LANDINGS MADE UNLAWFUL**

Charleston County Ordinance §14.5-4 is hereby amended so as to add the item “Operate all-terrain vehicles/off-road vehicles upon the premises of any public boat landing” to the list of offenses contained therein.

**SECTION V. DISCHARGE OF FIREARMS AT PUBLIC BOAT LANDINGS MADE UNLAWFUL; EXCEPTIONS**

Charleston County Ordinance §14.5-4 is hereby amended so as to add the item “Discharge firearms upon the premises of any public boat landing” to the list of offenses contained therein, with the following provisions specifically pertaining thereto:

(A) The prohibition of discharge of firearms upon the premises of any public boatlanding does not apply to any of the following:

1. A landowner discharging a firearm on the landowner’s property to protect the landowner’s family, employees, the general public, or the landowner’s property from animals that the landowner reasonably believes pose a direct threat to the landowner’s property, people on the landowner’s property, or the general public [S.C. Code Ann. § 23-31-510];
2. The lawful use of firearms in defense of life or property;
3. Law enforcement officers or members of the armed forces while engaged in their official duties.

(B) Limitations.

1. Nothing in this section shall be construed to grant authority to confiscate any firearms or ammunition except incident to an arrest.
2. Nothing in this section shall be construed as to regulate or attempt to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things.

**SECTION VI. PENALTY**

Charleston County Ordinance §14.5-4 is hereby amended so as to provide that violations of §14.5-4 are punishable by a fine of not more than \$500.00 or imprisonment for not more than 30 days or both.

**SECTION VII. HEADING**

The heading of Charleston County Ordinance §14.5-4 is amended to read “Offenses and restrictions at public boat landings and ramps.”

**SECTION VIII. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

**SECTION IX. EFFECTIVE DATE**

This Ordinance shall take effect upon third reading by County Council.