

## ORDINANCE NUMBER NO.: 2019-063

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina,  
Chapter 14, Offenses and Miscellaneous Provisions to add Article XIII, Gun-free School Zones*

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this 17th day of September, 2019, that the 1998 Code of Ordinance of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, is amended to add Article XIII, Gun-free School Zones, to read as follows:

**Article XIII. Gun-free School Zones****Sec. 14-401. Findings and purpose.**

For the purposes of this article, the City Council does hereby find that:

1. The first duty of the government of the City of Columbia, South Carolina is to protect their people; and,
2. Gun violence presents a public health and public safety crisis in the United States; and,
3. Columbia is the capitol of the State of South Carolina and one of the state's largest cities, with a permanent population approaching 140,000, and a daytime population over 350,000, it is the center of a metropolitan statistical area of approximately 833,000; and,
4. The City Council of the City of Columbia institutes this common-sense measure needed to send a strong message to teachers, law enforcement officers and prosecutors that the City Council stands behind them and supports them in getting guns off of our school grounds and protecting our children, educators and staff; and,
5. City Council recognizes that generally S.C. Code Section 23-31-510 restricts municipal regulation of transfer, ownership, possession, or transport of firearms, ammunition, or components of firearms, but under the Gun-Free School Zones Act of 1990, as amended by the adoption of Section 657 of the Omnibus Consolidated Appropriations Act of 1997, local governments are given the authority to put Gun-Free School Zones Ordinances into effect; and,
6. Under the authority of the Gun-Free School Zones Act of 1990, as amended by the adoption of Section 657 of the Omnibus Consolidated Appropriations Act of 1997, and in conjunction with State law, S.C. Code Section 16-23-420 and 430, (Possession of firearm on school property; concealed weapons and Carrying weapon on school property; concealed weapons), pursuant to Federal law which states, in 18 U.S.C. Section 922(q)(3), "Nothing in this subsection shall be construed as preempting or preventing a State or *local government* from enacting a statute establishing gun-free school zones as provided in this subsection", the City Council of Columbia adopts this Gun Free School Zones Ordinance.

**Sec. 14-402. Scope.**

The provisions of this article relate to gun-free zones.

**Sec. 14-403. Definitions.**

*School* means a school which provides elementary or secondary education, as determined under State law

*School zone* means or on the grounds of, a public, parochial or private school or within a distance of 1,000 feet from the grounds of a public, parochial or private school.

**Sec. 14-404. Prohibitions against possession or discharge of a firearm in a school zone.**

- (a) It shall be unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.
- (b) Subparagraph (a) shall not apply to the possession of a firearm:
  1. On private property not part of school grounds;
  2. If the individual possessing the firearm is licensed to do so by the State or a political subdivision of the State;
  3. Which is not loaded;

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4. In a locked container, or a locked firearms rack which is in a motor vehicle;
5. By an individual for use in a program approved by a school in the school zone;
6. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
7. By a law enforcement officer acting in his or her official capacity; or
8. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities or the individual is in compliance with S.C. Code §16-23-420, specifically subsection (E) of that statute.

(c) Except as provided in subparagraph (b), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

(d) Subparagraph (a) shall not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

**Sec. 14-405. Penalty.**

Any person violating this section shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-5.

**Sec. 14-406. Interpretation consistent with state law.**

This article shall be interpreted to be consistent with any legislation enacted by the South Carolina General Assembly addressing the same subject matter.

**Sec. 14-407. Severability.**

The provisions of this section are severable, and if any part of this section should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of the section and the remainder of the section shall remain in full force and effect.

This ordinance is effective as of final reading.

Requested by:

Mayor Benjamin \_\_\_\_\_

  
\_\_\_\_\_  
Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Introduced: 8/20/2019  
Final Reading: 9/17/2019