



Ratification
Number 2021-108

AN ORDINANCE

AN ORDINANCE TO AMEND ARTICLE X OF CHAPTER 21 OF THE CODE OF THE CITY OF CHARLESTON RELATED TO WEAPONS BY AMENDING THE PROVISIONS RELATED TO CARRYING OF HANDGUNS, CONCEALABLE WEAPONS AND FIREARMS, CONFISCATION OF WEAPONS, AND BRANDISHING OF WEAPONS TO BE COMPLIANT WITH STATE LAW.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 21-217 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 21-217. ~~Carrying loaded firearm.~~ **Carrying of handguns, concealable weapons and firearms.**

(a) Except as provided in S.C. Code 1976, § 16-23-20, **and not otherwise specifically prohibited by law**, no person without valid authority from a proper government agency shall carry on or about his person any ~~firearm containing ammunition, or any pistol,~~ **handgun, as defined in S.C. Code § 16-23-10(1)**, whether concealed or not ~~and whether or not containing ammunition.~~

(b) **Pursuant to S.C. Code § 16-23-420, it is unlawful for a person to possess a firearm of any kind on any premises or property owned, operated, or controlled by a private or public school, college, university, technical college, other post-secondary institution, or in any publicly owned building, without the express permission of the authorities in charge of the premises or property.**

(c) **Persons, including concealed weapons permit holders, are prohibited from carrying concealable weapons as defined in S.C. Code § 23-31-210, whether concealed or not, in those locations listed in S.C. Code § 23-31-215 (M).**

(d) **The open carrying of firearms on public property is prohibited at public protests, rallies, fairs, parades, festivals, or other organized events when the City has issued any type of permit for such event.**

Section 2. Sec. 21-218 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 21-218. Confiscation.

Any person **arrested and subsequently** convicted of ~~the a~~ violation of the provisions of ~~this article~~ **state statute or City code** shall in addition to any other penalties provided by law have the weapon involved in such violation confiscated to be disposed of by the chief of police as provided by law. However, if any person other than the convicted person has an interest in the weapon, that person must be given the opportunity to come forward and show, if he can, why the weapon should not be forfeited and disposed of as provided for by law.”

Section 3. Sec. 21-219 of the Code of the City of Charleston, is hereby amended to state as follows (new text shown in bold and underlined and deleted text shown with strikethrough):

“Sec. 21-219. Brandishing with a ~~deadly~~ weapon prohibited.

(a) *Brandish* means to wave or flourish menacingly, to display ostentatiously, threateningly, angrily or aggressively.

(b) ~~Deadly w~~**Weapon in this section** means any device or object designed, made or adapted to be used for the purpose of inflicting bodily injury or death **including firearms, but not limited to, a knife, flag pole, metal or wood pole, bat, staff, golf club, sign post, or other similar solid wood or metal object, but excluding firearms.**

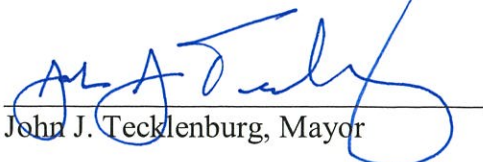
(c) It shall be unlawful for any person to brandish any ~~deadly~~ weapon to any person or the public at large within the city limits.

(d) Upon conviction thereof, besides that penalty as may be imposed by the court, the weapon shall be forfeited to the city, and be destroyed.

(e) **The pointing or presenting of a firearm is prohibited by S.C. Code § 16-23-410. For purposes of this section, to “present” a firearm shall mean to offer to view in a threatening manner, or to show in a threatening manner.**”

Section 4. This ordinance shall become effective upon ratification.

Ratified in City Council this 29th day of July in the Year of Our Lord, 2021, and in the 246th Year of the Independence of the United States of America.


John J. Tecklenburg, Mayor

ATTEST:


Jennifer Cook,
Clerk of Council