

**ORDINANCE NO. 2020-008**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, ANDERSON COUNTY SOUTH CAROLINA, BY ADDING ARTICLE X TO CHAPTER 42 TITLED SECOND AMENDMENT PROTECTION; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, the Second Amendment to the Constitution of the United States provides that “[a] well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”;

**WHEREAS**, the Fourth Amendment to the Constitution of the United States provides in part, that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated” and this amendment has been made applicable to the states through the due process clause of the Fourteenth Amendment to the Constitution of the United States by Mapp v. Ohio, 367 U.S. 643 (1961).

**WHEREAS**, the Ninth Amendment to the Constitution of the United States provides that “[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

**WHEREAS**, The Tenth Amendment to the Constitution of the United States provides that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”;

**WHEREAS**, Article I, Section 20 of the South Carolina Constitution provides, in part, that “[a] well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.”;

**WHEREAS**, the United States Supreme Court has ruled in the District of Columbia v. Heller, 554 U.S. 570 (2008) that the Second Amendment to the United States Constitution protects the right to keep and bear arms for the purpose of self-defense and struck down a District of Columbia law that banned the possession of handguns in the home;

**WHEREAS**, District of Columbia vs. Heller also stated that the right secured by the second Amendment is not unlimited and that nothing in the opinion should be read to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms;

**WHEREAS**, the United States Supreme Court has ruled in McDonald v. City Of Chicago, 561 U.S. 742 (2010) that the due process clause of the Fourteenth Amendment incorporates the Second Amendment right recognized in Heller and, therefore, makes it applicable to the states. In reaching this conclusion, the Court held that the second amendment right is deeply rooted in the nation’s history and traditions and, therefore, is a fundamental right; and

**WHEREAS**, Anderson County Council desires to express its commitment and support for the rights of its citizens under the Second Amendment of the United States Constitution and Article I, Section 20 of the Constitution of South Carolina to protect the rights of its citizens to keep and bear arms.

**NOW, THEREFORE**, be it ordained by Anderson County Council in meeting duly assembled that:

1. The Code of Ordinances, Anderson County, South Carolina is hereby amended by adding Article X to Chapter 42, which article reads as follows:

Article X. Second Amendment Rights (the right to keep and bear arms).

Sec. 42-401. Purpose and Intent.

It is the purpose and intent of this article to express the County's strong support for the Second Amendment to the United States Constitution and Article I, Section 20 of the South Carolina Constitution, both of which uphold the right of the people to keep and bear arms.

Sec. 42-402. Sanctuary County.

Anderson County is hereby declared to be a Second Amendment Sanctuary County.

Sec. 42-403. Regulation of the Right to Keep and Bear Arms

(a) Any regulation of the right to keep and bear firearms, firearm accessories, and ammunition that violate the Second, Fourth, Ninth and Tenth Amendments to the Constitution of the United States and Article I, Section 20 of the South Carolina Constitution beyond such current provisions of federal and state law are violative of the concept of a second amendment sanctuary in Anderson County.

(b) Anderson County government funds and resources shall not be appropriated for the specific purpose of enforcing any law that infringes upon the right to keep and bear firearms, firearms accessories, and ammunition as described in section (a) herein.

(c) It shall be the duty of the Sheriff of Anderson County to determine whether or any federal or state regulation of firearms, firearms accessories, and ammunition violates section (a) herein; provided, however, that nothing contained herein prevents the Anderson County Sheriff from enforcing any federal or state law found to be constitutional by a court of competent jurisdiction.

(d) The prohibitions contained herein do not prevent the assemble of persons for the purpose of training with, practicing with, or being instructed in the use of any lawful firearm; provided, however, that such activities do not violate any zoning or land use regulation.

Sec. 42-404. Enforcement.

(a) Anyone within the jurisdiction of Anderson County found to be in violation of this ordinance is guilty of a misdemeanor and subject to the penalties of section 1-7 of the Anderson County Code.

(b) Enforcement of this ordinance is an alliance with the oath taken by public elected officials to uphold and defend the United States Constitution and the Constitution of South Carolina.

Sec. 42-405 Severability.

The provisions of this ordinance are hereby declared to be severable, and if any provision of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining provisions of this ordinance.

2. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.

3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

4. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

5. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

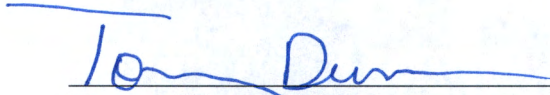
**ORDAINED** in meeting duly assembled this 7th day of July, 2020.

**ATTEST:**

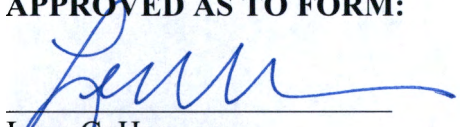
  
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Rusty Burns  
Anderson County Administrator

  
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Lacey A. Croegaert  
Anderson County Clerk to Council

**FOR ANDERSON COUNTY:**

  
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Tommy Dunn, Chairman  
Anderson County Council

**APPROVED AS TO FORM:**

  
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Leon C. Harmon  
Anderson County Attorney

1<sup>st</sup> Reading: May 13, 2020

2<sup>nd</sup> Reading: June 18, 2020

3<sup>rd</sup> Reading: July 7, 2020

Public Hearing: July 7, 2020