

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2020-02

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 18, OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE II, OFFENSES AGAINST PUBLIC SAFETY; SECTION 18-23, DISCHARGING FIREARMS; SO AS TO AUTHORIZE TOWN COUNCIL TO PERMIT DISCHARGE OF FIREARMS WITHIN THE TOWN TO CONTROL WILDLIFE OTHER THAN DEER AS PART OF A WILDLIFE MANAGEMENT PROGRAM, AND FOR THE PURPOSE OF ELIMINATING ANY ANIMAL WHOSE PRESENCE POSES A THREAT TO THE HEALTH OR SAFETY OF ANY PERSON WITHIN THE TOWN.

WHEREAS, Section 18-23 of the Town Code for the Town of Seabrook Island (the "Town Code") prohibits the discharge of firearms in the town limits, except under certain circumstances; and

WHEREAS, Section 18-23(c)(1) of the Town Code authorizes Town Council to permit, by resolution, an exception to the prohibition on the discharge of firearms for a controlled hunt to thin the town's deer population as part of a wildlife management program; and

WHEREAS, the Town has received a request from the Seabrook Island Property Owners Association to permit the discharge of firearms to control other forms of wildlife as part of a wildlife management program; and

WHEREAS, the Town Council is authorized to amend Section 18-23, pursuant to Section 1-9 ("Amendments to Code") of the Town Code; and

WHEREAS, a public hearing on the proposed amendments was advertised and held on Tuesday, February 25, 2020, with public comments duly noted; and

WHEREAS, the Town Council has thoroughly considered this matter and believes the proposed amendments to the Town Code are in the best interest of the Town;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION I. Amending Section 18-23 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; Article II, Offenses Against Public Safety; Section 18-23, Discharging Firearms; is hereby amended to read as follows:

Sec. 18-23. - Discharging firearms.

(a) Firearms defined.

(1) For purposes of this article, the term "firearms" includes:

- a. Any ~~pistol~~ handgun as defined in S.C. Code 1976, § ~~23-31-110~~ 16-23-10; and
- b. Any machine gun, sawed-off shotgun, shotgun, sawed-off rifle, rifle or antique firearm as defined in S.C. Code 1976, § 23-31-310.

(2) For purposes of this article, the term "firearms" does not include:

- a. BB guns; and
- b. Air rifles.

(b) Prohibited. It shall be unlawful for any person to negligently or carelessly discharge or fire any firearm or crossbow within the town's jurisdiction. Any intentional discharge is prohibited subject to the exceptions set forth in subsection (c) of this section.

(c) Exceptions. Exceptions to the prohibition contained in subsection (b) of this section may be granted by resolution of the town council. The following are examples of situations warranting exception:

~~(1)~~ (1) A controlled hunt ~~to thin the town's deer population~~ which is undertaken as part of a duly authorized wildlife management program.

~~(1)(2)~~ (2) A controlled hunt to remove any animal whose presence poses a threat to public health and safety,

~~(2)(3)~~ (3) Any peace officer of the state, county or municipality, in the performance of his or her office or duty.

~~(3)(4)~~ (4) Any security officer employed by a property owners' association or development within the town, in the performance of his or her office or duty.

~~(4)(5)~~ (5) A landowner intentionally discharging a firearm or crossbow 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 poses a direct threat or danger to the landowner's property, people on the landowner's property, or the general public. For purposes of this subsection, the landowner's property must be a parcel of land comprised of at least 25 contiguous acres.

SECTION 2. Severability.

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of

competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: January 28, 2020
Public Hearing: February 25, 2020
Second Reading: February 25, 2020

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Faye Allbritton, Town Clerk