



Ratification
Number _____

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, ARTICLE X, SECTION 21-219, TO PROHIBIT FIREARM ENHANCEMENTS

WHEREAS, the worst mass shooting in American history occurred on October 1, 2017 in Las Vegas, Nevada where a “bump stock” was attached to the shooter’s firearms, allowing the fire rate of the weapons used by the shooter to dramatically increase; and,

WHEREAS, a “bump stock” or a “bump fire stock” is a device which uses the recoil of the previous shot to fire the next shot increasing the speed at which the weapon is fired; and,

WHEREAS, in 2010 the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives declared a “bump stock” as a firearm part and therefore not regulated as a firearm under the U.S. Gun Control Act or the National Firearms Act; and,

WHEREAS, neither “bump stocks” nor “trigger cranks” are components of a gun in that if they are removed, the firearm will remain operable in the manner and speed as originally designed by the manufacturer; and,

WHEREAS, the Second Amendment to the United States Constitution protects the rights of Citizens to own and carry firearms, but because neither a “bump stock” nor a “trigger crank” is a firearm; they are not constitutionally protected; and,

WHEREAS, South Carolina Code of Laws Section 23-31-510 prohibits a municipality enacting any regulation or ordinance that regulates “firearms, ammunition, components of firearms or any combination of these things”, “bump stocks” and “trigger cranks” as defined herein do not fall under this category based upon the definitions of such under applicable Federal Law; and,

WHEREAS, the United States Congress has fully preempted the states on the definitions of what constitutes a legal or illegal weapon; and,

WHEREAS, the use of “bump stocks” and “trigger cranks” in the City of Charleston should be prohibited.

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

Section 1. Chapter 21 of the Code of the City of Charleston is hereby amended by adding thereto a new Section which shall read as follows:

Sec. 21-219 ENHANCED TRIGGER DEVICES

“(A) Prohibited.

1. Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of an otherwise legal firearm using recoil, commonly known as “bump stocks” or “bump fire stocks”, are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to Section 1-16.

2. Any device capable of attaching to a firearm and repeatedly activates the trigger of a weapon through the use of a lever or other part that is turned in a circular motion, commonly known as a “trigger crank” or “gat crank”, is hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in municipal court pursuant to Section 1-16.

(B) Exceptions.

Violations as stated in Section (A) or (B) above are subject to the following exceptions:

1. Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training;

2. Any “bump stock” or “trigger crank” device which is possessed by a person who is not prohibited under State or Federal law from using, owning, or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon;

3. Any law enforcement officer or department having seized a firearm with “bump stock” or “trigger crank” attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, within the City of Charleston limits; provided, however, any law enforcement agency taking possession of a “bump stock” attached to a firearm must notify the Charleston Police Department immediately to inform them of the existence of the device, the location where it was obtained, where the device will be stored, and any other facts relevant to the use or possession of said device by any person;

4. Possession of any weapon which is manufactured to fire through the use of a crank or lever.”

Section 2. Severability. If any subsection, sentence, clause, phrase, or word of this Ordinance be for any reason declared unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of the remaining portions of the Ordinance or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase, or word.

Section 3. This Ordinance shall become effective upon the date of ratification.

Ratified in City Council this ____ day of _____ in
the Year of Our Lord, 2018, in the ____ Year of
Independence of the United States of America

By: _____

John J. Tecklenburg

Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank

Clerk of Council



A RESOLUTION

TO EXPRESS THE CITY'S SUPPORT FOR ADVANCING REASONABLE GUN LEGISLATION, INCLUDING LEGISLATION TO KEEP GUNS OUT OF THE HANDS OF CRIMINALS, GREATER SAFETY REQUIREMENTS FOR THE SALE, TRANSPORT, STORAGE AND PURCHASE OF A GUN, ENACTING MANDATORY MINIMUM/MAXIMUM PENALTIES FOR GUN VIOLATIONS, IMPROVING BACKGROUND CHECK REQUIREMENTS AND TO PERMIT LOCAL MUNICIPALITIES TO ADOPT LAWS RESTRICTING THE INAPPROPRIATE ACCESS TO GUNS AND THE NEGLIGENT STORAGE OF A WEAPON.

WHEREAS, gun violence is rampant in our society; and,

WHEREAS, according to the Center for Disease Control, there were approximately 2,508 firearm deaths in South Carolina during the period of 2014 through 2016 and,

WHEREAS, understanding that there is a complex interaction of risk factors, societal influences, mental health statuses, and other known factors that lead to violence, access to firearms is highly associated with the increased risk of injury and death; and,

WHEREAS, firearms can be used to intimidate, coerce, or carry out threats of violence. Fatal and nonfatal firearm violence poses a serious threat to the safety and welfare of our citizens, and,

WHEREAS, exposure to gun violence is highly associated with the diminished social, emotional, and academic well-being among our communities; and,

WHEREAS, the City understands that gun violence cannot totally be prevented, but it also understands that reasonable actions can be taken to reduce the amount of gun violence in our State and our local communities; and,

WHEREAS, the City Council of Charleston recognizes gun violence as representing a significant health risk to the citizens of the City of Charleston, the State of South Carolina, and the United States of America; and,

WHEREAS, protecting public safety in our local community and the State of South Carolina should be one of the highest responsibilities for our elected officials, and,

WHEREAS, the City's support for appropriate and measured gun legislation and request for action by our State legislature in no way diminishes the City's support for the second amendment and the right of gun ownership;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, IN COUNCIL ASSEMBLED, THAT THE CITY PETITIONS OUR STATE LEGISLATURE, AT A MINIMUM:

1. TO ADVANCE REASONABLE, RATIONAL, FAIR GUN SAFETY LEGISLATION THAT MEETS THE CONDITIONS OF THE SECOND AMENDMENT; AND,
2. TO ENACT MANDATORY MINIMUM/MAXIMUM PENALTIES FOR GUN LAW OFFENDERS ALONG WITH INCREASING PENALTIES FOR MULTIPLE OFFENSES; AND,
3. ADOPT LEGISLATION TO KEEP GUNS OUT OF THE HANDS OF CRIMINALS AND PROHIBITED PURCHASERS; AND,
4. CONSIDER ENACTING GREATER SAFETY REQUIREMENTS FOR THE SALE, TRANSPORT, STORAGE, AND PURCHASE OF A GUN; AND,
5. ENACT POLICIES TO IMPROVE AWARENESS OF SAFE GUN PRACTICES, INCLUDING SECURE STORAGE OF FIREARMS; AND,
6. FINALLY, TO AMEND STATE LEGISLATION TO PERMIT LOCAL ENTITIES TO ADOPT LAWS TO RESTRICT THE INAPPROPRIATE ACCESS TO GUNS AND THE NEGLIGENT STORAGE OF A WEAPON.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2016, and in the _____ Year of the Independence of the United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Vanessa Turner Maybank
Clerk of Council