

AN ORDINANCE

AN ORDINANCE ESTABLISHING A GREENVILLE COUNTY POLICY DIRECTING ALL GREENVILLE COUNTY ADMINISTRATORS AND STAFF REGARDING SIGNS, POSTERS, BULLETIN BOARDS, MEMORANDUM, AND/OR ADMINISTRATIVE POLICIES OR DIRECTIVES REGARDING FIREARMS ON GREENVILLE COUNTY PROPERTIES OR FACILITIES.

WHEREAS, the Second Amendment to the United States Constitution states, in part, “. . . the right of the People to keep and bear arms, shall not be infringed;” and,

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller* 554 U.S. 570 (2008) recognized an individual’s right to keep and bear arms, as protected by the Second Amendment of the United States Constitution; and,

WHEREAS, the United States Supreme Court in *McDonald v. Chicago*, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms,” as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and,

WHEREAS, the United States Supreme Court *in New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), affirmed that the Second Amendment protects the right of law-abiding individuals keeping and bearing arms in public for self-defense; and,

WHEREAS, Article 1, Section 20 of the Constitution of South Carolina reads, in part, “. . . the right of the people to keep and bear arms shall not be infringed;” and,

WHEREAS, the State of South Carolina General Assembly has taken control of the subject matter of possession and carry of firearms in public anywhere in the state of South Carolina. Further, the State of South Carolina Code of Laws Section 23-31-510(1) provide that, “No governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things;” and,

WHEREAS, all county officials and staff, while acting in the scope of his or her duties, are acting under the color of law and subject to the safeguards of government infringement upon the rights of the people as protected by the United States and South Carolina Constitution.

WHEREAS, under Greenville County’s Council-Administrator form of government, the Administrator shall execute the policies, directives and legislative actions of the council and direct

and coordinate operations of the county including administering county personnel policies; and,

WHEREAS, a July 9, 2024 South Carolina Attorney General Opinion, addressed local governments interfering with Constitutionally protected firearms rights in any areas other than inside of government buildings. This opinion encompassed parking lots, parking garages, and other local government premises other than *inside of government buildings*. The South Carolina Attorney General opined, “. . . we believe a court would find the prohibition of firearms in publicly owned buildings under (16-23-420(A)) *does not encompass publicly owned parking lots.*” Likewise, “[W]e believe a court would likely find a *parking garage would not be considered a building* under this statute . . . ;” and,

WHEREAS, the State of South Carolina has designated one specific sign to be placed at the entrance of a building where firearms are prohibited by statute (S.C. Code of Laws Section 21-31-235(B)). The Greenville County Council finds that any other sign, or any placement other than on, and at, the entrance into a Greenville County government *building*, is confusing to the public and County staff, and unlawful.

WHEREAS, the Greenville County Council finds that there are no instances upon any Greenville County premises or properties whereby the outdoor sign specified in S.C. Code of Laws Section 21-31-235(C) is appropriate or lawful.

WHEREAS, Greenville County Council wishes to express its commitment to the rights of all citizens of Greenville County to keep and bear arms and oppose, within the limits of the Constitution of the United States and the State of South Carolina, any efforts to unconstitutionally restrict such rights; and,

WHEREAS, Greenville County Council has established itself as a Right to Keep and Bear Arms jurisdiction for Second Amendment rights at Article XI, Greenville County Code of Ordinances.

WHEREFORE, BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Policy.

(A) It is the policy and directive of Greenville County Council that, with the exception of the statutory sign (S.C. Code of Laws Section 21-31-235(B)), placed at the entry door of government buildings, no sign, poster, bulletin board, memorandum, shall be placed or allowed to remain upon any Greenville County property or premises.

(B) It is the policy and directive of Greenville County Council that, with the exception of the statutory sign (S.C. Code of Laws Section 21-31-235(B)), placed at the entry door of government buildings, no employee policy, administrative policy, command, or directive shall be pronounced, promulgated, or published, or allowed to remain pronounced, promulgated, or published, regarding any Greenville County property or premises.

Section 2. Assigns, Contractors, or Agents. This policy is applicable to all assigns, contractors, and/or agents of Greenville County, Greenville County Administration, and/or Greenville County staff.

Section 3. Violation. Violation of this Greenville County Policy shall be deemed cause for termination of employment, contract, or agency.

Section 4. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Effective Date. This ordinance shall take effect upon adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2025.

ATTEST:

Regina McCaskill
Clerk to Council

Benton Blount, Chairman
Greenville County Council

Joseph M. Kernell
County Administrator