

COUNTY OF Horry )  
STATE OF SOUTH CAROLINA )

ORDINANCE -20

**AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREARMS WITHIN AND IN CLOSE PROXIMITY TO THE MORE DENSELY POPULATED AND SENSITIVE AREAS OF UNINCORPORATED Horry COUNTY AND OTHERWISE REGULATING THE DISCHARGE OF FIREARMS AND MECHANICAL DEVICES.**

**WHEREAS**, in recognition of the increased density of population in certain areas of the County, the dangers inherent in the use of firearms and certain mechanical devices, the noise levels associated with the discharge of firearms, and having received ongoing complaints concerning the discharge of firearms, County Council believes that an ordinance regulating the discharge of firearms within and in close proximity to the more densely populated areas and particularly sensitive areas of unincorporated Horry County, and regulating the careless discharge of firearms and certain mechanical devices, is in the interest of the health, welfare, and safety of the citizens, residents, and visitors of Horry County, domesticated animals, and the peaceable enjoyment of property; and

**WHEREAS**, although Council does not intend to encroach upon or limit in any way a citizen's Second Amendment rights, the South Carolina Legislature has provided the County the authority to regulate the discharge of firearms within the County's jurisdiction, and to enforce such regulation by way of criminal prosecution, so that citizens may exercise their Constitutional rights, but in a lawful and safe manner.

**NOW, THEREFORE**, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following hereby is ordained and enacted:

**1. CODE AMENDMENT.** Section 13-11 (Reckless discharge of a firearm or other mechanical device) of ARTICLE I (IN GENERAL) of Chapter 13 (OFFENSES AND MISCELLANEOUS PROVISIONS), Horry County Code of Ordinances, is hereby repealed, and is rewritten and replaced in its entirety. Section 13-11 shall hereafter read as follows:

**Sec. 13-11. Discharging firearms and mechanical devices.**

(a) *Definitions.* "Firearm" shall mean rifle, shotgun, handgun, pistol, machine gun, cannon, or similar instrument from or by means of which any bullet, shot, or other missile of any kind may be projected. "Mechanical device" shall mean potato gun, air gun, air nail gun or other device that will launch a projectile by any means of explosive substance to include flammable fluids, compressed air, gasses or powders manufactured or custom made.

(b) *Prohibited zones.* It shall be unlawful for any person to discharge any firearm within a discharge prohibited zone. Discharge prohibited zones will be determined by Resolution of County Council upon submission to the Council of a petition signed by 50.1% or more of the registered voters residing within a defined area of the County or by request of the County Councilmember in whose district the defined area is located. To be designated a discharge prohibited zone, the defined area must fall completely within an urban area as defined by the most current U.S. Census report, and/or meets the definition of major residential development within the County's Land Development Regulations and property three hundred (300) feet from the boundaries of such major residential development.

(1) These prohibitions shall not apply to:

(A) conduct specifically provided for under Section 23-31-510 of the Code of Laws of South Carolina (1976, as amended),

(B) a law enforcement officer or member of the armed forces of the United States in the performance of his or her lawful duty,

(C) an existing gun club or shooting range (as defined in the S.C. Shooting Range Protection Act of 2000), in operation on a regular basis since at least five (5) years prior to the establishment of a discharge prohibited zone, operating in full compliance with all applicable laws and regulations governing such activity, and operating according to the following:

(i) shooting must be undertaken and the range must be oriented so that downrange is no less than 135 degrees away from the direction of a discharge prohibited zone,

(ii) no firearm of a .50 caliber or greater may be used, and no tracer, incendiary, explosive, armor piercing, or penetrator ammunition may be used,

(iii) the range must be constructed and operated in substantial harmony with practices established by the National Rifle Association and/or the National Shooting Sports Foundation.

(D) in the lawful defense of persons or property,

(E) as part of a sporting event or theatrical, ceremonial, or military or similar event using blank ammunition and duly permitted by the County as a special event,

(F) a County sponsored or permitted special event, or

(G) upon a privately owned track of land or publicly owned wildlife management area, no less than five (5) acres in size, a legally licensed hunter acting lawfully under current State and federal law, and SC Department of Natural Resources or US Fish and Wildlife Service regulations, as applicable, while engaged in actual hunting, provided that care is taken that the trajectory of any rounds fired is not in the direction of any person, dwelling unit, or commercial establishment.

(d) *County owned property.* It shall be unlawful for any person to discharge any firearm upon any County owned property or right-of-way.

(e) In addition, it shall be unlawful for any person in the unincorporated area of the county to intentionally, negligently, or carelessly discharge any firearm or mechanical device in a manner as to be likely to cause bodily injury or death to persons or domestic animals or damage to or destruction of property other than their own.

(f) In addition, it shall be unlawful for any person to discharge any firearm between the hours of 10 p.m. and 6 a.m., with the exception of conduct specifically provided for under Section 23-31-510 of the South Carolina Code, a law enforcement officer or member of the armed forces of the United States in the performance of his or her lawful duty, an indoor shooting range operating in full compliance with all applicable laws and regulations, or in the lawful defense of persons or property.

(g) Any person convicted who shall discharge a firearm or other mechanical device in violation of this Section, after properly investigated and determined by County Law Enforcement by way of eyewitness, photographic, video, or other relevant evidence, will upon conviction be guilty of a misdemeanor, and for a first conviction, or second conviction occurring within one year of the first, shall be subject to a fine of up to \$500.00 and/or imprisonment of up to 30 days. Upon a third or

subsequent conviction occurring within 1 year of the first, such person shall be subject to a mandatory fine of \$500.00 and imprisonment of 30 days.

(h) In addition, a property or business owner, or other person or legal entity in possession of or having control over real property, who permits, enables, promotes, contributes to, stages, conducts, organizes, sponsors, or allows conduct prohibited under this Section at such business or property will be guilty of a misdemeanor, and shall be subject to the same penalties set forth in sub-section (g), above.

**2. SEVERABILITY.** If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

**3. CONFLICT WITH PRECEDING ORDINANCES.** If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, unless expressly so providing, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

**4. EFFECTIVE DATE.** This Ordinance shall become effective on Third Reading.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**HORRY COUNTY COUNCIL**

---

Johnny Gardner, Chairman

Harold G. Worley, District 1  
Dennis DiSabato, District 3  
Tyler Servant, District 5  
Orton Bellamy, District 7  
W. Paul Prince, District 9  
Al Allen, District 11

Bill Howard, District 2  
Gary Loftus, District 4  
Cam Crawford, District 6  
Johnny Vaught, District 8  
Danny Hardee, District 10

Attest:

---

Patricia S. Hartley, Clerk to Council