

**ORDINANCE TO AMEND SECTION 14-8
OF THE
ORDINANCES FOR THE TOWN OF SULLIVAN'S ISLAND
NO. 2010-05**

WHEREAS, Title 5 of the South Carolina Code of Laws sets forth the powers, duties, functions and responsibilities of all municipalities; and,

WHEREAS, the Town of Sullivan's Island seeks to maintain the peaceful and quiet repose of its residential community; and,

WHEREAS, the State of South Carolina and Town of Sullivan's Island empower its Police Department to enforce codes within the jurisdiction,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL IN MEETING DULY ASSEMBLED, that Section 14-8 be hereby amended to read as follows:

Sec. 14-8. Disorderly conduct prohibited.

A. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm,, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place;

1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;
2. Commits an act in violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Causes, provokes or engages in any fight, brawl, or riotous conduct so as to endanger the life, health, or property of another;
4. Interferes with another's pursuit of a lawful occupation by acts of violence;
5. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by police or other lawful authority known to be such;
6. Incites, attempts to incite, or is involved in attempting to incite a riot;
7. Addresses abusive language or threats to any police officer, any other authorized official of the Town who is engaged in the lawful performance of his duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;

8. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the public annoyed.
 9. Is in a public place under the influence of an intoxicating liquor or drug in such a condition as to be unable to exercise care for his own safety or the safety of others.
 10. Resists or obstructs the performance of duties by any police officer or any other authorized official of the town, when known to be such an official.
 11. Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition.
 12. Makes or causes to be made any loud, boisterous or unreasonable noise or disturbance to annoy other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed or the traveling public annoyed.
 13. Assembles or congregates with another or others for the purpose of or with the intent to engage in gaming.
 14. Frequents any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, and artifices or devices.
 15. Assembles with any person for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the town, or who shall aid or abet therein.
 16. Is at any place where gaming or the illegal or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
 17. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.
 18. Any person who shall use "fighting words or gestures" directed towards any other person who becomes outraged and thus creates turmoil.
- B. It shall be unlawful for any person to urinate or excrete in a public place or within public view and any person so doing shall be guilty of disorderly conduct.

C. This section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

D. As used in this section:

1. "Riot" shall mean a public disturbance involving (1) an act or acts of violence by one or more persons, part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, when the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

2. "Incite a riot" shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

Sec. 14-9. Firearms - Discharging in Town.¹

It shall be unlawful for any person to fire a gun or pistol or other firearm within the Town, unless the same be on occasion of some military parade or celebration, and then only by order of some person having command. (8-5-36, S2)

Sec. 14-10. Gambling - Generally.²

It shall be unlawful for any person to participate or engage in any device of gaming whatever in any building, street, park, lot or public way within the Town. (3-18-07, S1)

Sec. 14-11. Same - Maintaining, etc., gambling house, etc.

No person shall open, keep or maintain any gaming house in any building or structure within the Town, or permit any description of gaming or playing any game of chance or skill for money,

¹ For state law as to discharging firearms on or near street or highway, see S.C. Code 1976 S23-13-70.

As to carrying weapons, etc., on person, see S14-22 of this Code.

² For state law as to gambling and lotteries generally, see S. C. Code 1976, S16-19-10 to 16-19-200.

goods, chattels, or other things whatever. (3-18-07, S1)

Sec. 14-12. Same - Betting horse races, games, etc.

It shall be unlawful to bet in or sell a pool within the Town upon any horse races, boat races, foot races, baseball or other games. (3-18-07, S1)

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON RATIFICATION.

SIGN, SEALED AND DELIVERED THIS _____ DAY OF _____, 2010.

Carl J. Smith, Mayor

Attest:

Ellen McQueeney, Town Clerk

Approved as to form:

Lawrence Dodds, Town Attorney

**Introduced:
Second Reading:
Third Reading:
Ratification:**