

CITY OF MULLINS

151 E. Front Street
P. O. Drawer 408
Mullins, South Carolina 29574



PHONE: (843) 464-9583
FAX: (843) 464-5202

Special City Council Meeting Raymond Pridgen Auditorium Thursday, August 17, 2023 5:30 P.M.

AGENDA

1. **Call Meeting to Order & Welcome:** Mayor Woodbury
Pledge of Allegiance:
Invocation:
Civility Pledge:
2. **Disclosure that local media has been informed of meeting pursuant to South Carolina Freedom of Information Act:**
3. **Approval of Agenda:**
4. **Old Business:**
 - (a) **Storm Water Fees**
 - (b) **1st Reading of ORDINANCE NO. 23-011, "AN ORDINANCE TO AMEND SECTION 9.12.010 OF THE CODE OF ORDINANCES OF THE CITY OF MULLINS"**
5. **New Business:**
 - (a) **Liberty Guns – ATF Approval for Gun Assembly**
6. **Executive Session:** Discussion of the public agency's position in adversary situations.
7. **Return to Open Session:**
8. **Adjournment:**

ORDINANCE NO. 23-011
ORDINANCE TO AMEND SECTION 9.12.010

**AN ORDINANCE TO AMEND SECTION 9.12.010 OF THE CODE OF ORDINANCES OF THE CITY OF
MULLINS**

City Council upon due consideration and deliberation has determined that it is in the best interest of the City of Mullins to amend Section 9.12.010 of the City Code so that the following language is included as follows:

Sec. 9.12.010. - Carrying concealed weapon.

Any person carrying a dirk, slingshot, metal knuckles, razor, or other deadly weapon usually used for the infliction of personal injury concealed about his person shall be guilty of a misdemeanor. Nothing herein contained shall be construed to apply to persons carrying concealed weapons on his own premises or to peace officers in the actual discharge of their duties as such.

Please reference the following State Statute:

Title 16 - Crimes and Offenses

CHAPTER 23

Offenses Involving Weapons

ARTICLE 1

Handguns

SECTION 16-23-10. Definitions.

When used in this article:

(1) "Handgun" means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(2) "Dealer" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

(3) "Crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(4) "Fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(5) "Subversive organization" means any group, committee, club, league, society, association, or

combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure, or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(6) "Conviction" as used herein shall include pleas of guilty, pleas of nolo contendere, and forfeiture of bail.

(7) "Division" means the State Law Enforcement Division.

(8) "Purchase" or "sell" means to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(9) "Person" means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(10) "Luggage compartment" means the trunk of a motor vehicle which has a trunk; however, with respect to a motor vehicle which does not have a trunk, the term "luggage compartment" refers to the area of the motor vehicle in which the manufacturer designed that luggage be carried or to the area of the motor vehicle in which luggage is customarily carried. In a station wagon, van, hatchback vehicle, truck, or sport utility vehicle, the term "luggage compartment" refers to the area behind the rearmost seat.

HISTORY: 1962 Code Section 16-129; 1965 (54) 578; 1975 (59) 582; 1976 Act No. 685 Sections 1-3; 2004 Act No. 294, Section 1, eff August 16, 2004; 2014 Act No. 123 (S.308), Section 2.D, eff February 11, 2014.

Editor's Note

2010 Act No. 273, Section 7.B, provides:

"The common law offenses of assault and battery with intent to kill, assault with intent to kill, assault and battery of a high and aggravated nature, simple assault and battery, assault of a high and aggravated nature, aggravated assault, and simple assault are abolished for offenses occurring on or after the effective date of this act [June 2, 2010]."

2010 Act No. 277, Section 5, provides:

"The requirements of Section 56-1-80 of the 1976 Code, as amended by Section 3 of this act, must be met upon the renewal of an existing driver's license or special identification card of a person convicted of a crime of violence as defined in Section 16-23-10(3) in this State on or after July 1, 2011."

SECTION 16-23-20. Unlawful carrying of handgun; exceptions.

It is unlawful for anyone to carry about the person any handgun, whether concealed or not, except as follows, unless otherwise specifically prohibited by law:

(1) regular, salaried law enforcement officers, and reserve police officers of a state agency, municipality, or county of the State, uncompensated Governor's constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers;

(2) members of the Armed Forces of the United States, the National Guard, organized reserves, or the State Militia when on duty;

(3) members, or their invited guests, of organizations authorized by law to purchase or receive firearms

from the United States or this State or regularly enrolled members, or their invited guests, of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members, or their invited guests, are at or going to or from their places of target practice or their shows and exhibits;

(4) licensed hunters or fishermen who are engaged in hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot;

(5) a person regularly engaged in the business of manufacturing, repairing, repossessing, or dealing in firearms, or the agent or representative of this person, while possessing, using, or carrying a handgun in the usual or ordinary course of the business;

(6) guards authorized by law to possess handguns and engaged in protection of property of the United States or any agency of the United States;

(7) members of authorized military or civil organizations while parading or when going to and from the places of meeting of their respective organizations;

(8) a person in his home or upon his real property or a person who has the permission of the owner or the person in legal possession or the person in legal control of the home or real property;

(9) a person in a vehicle if the handgun is:

(a) secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle; however, this item is not violated if the glove compartment, console, or trunk is opened in the presence of a law enforcement officer for the sole purpose of retrieving a driver's license, registration, or proof of insurance. If the person has been issued a concealed weapon permit pursuant to Article 4, Chapter 31, Title 23, then the person also may secure his weapon under a seat in a vehicle, or in any open or closed storage compartment within the vehicle's passenger compartment; or

(b) carried openly or concealed on or about his person, and he has a valid concealed weapons permit pursuant to the provisions of Article 4, Chapter 31, Title 23;

(10) a person carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business;

(11) a prison guard while engaged in his official duties;

(12) a person who is granted a permit under provision of law by the State Law Enforcement Division to carry a handgun about his person, under conditions set forth in the permit, and while transferring the handgun between the permittee's person and a location specified in item (9);

(13) the owner or the person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business, and the employee of a fixed place of business, other than a business subject to Section 16-23-465, while at the place of business; however, the employee may exercise this privilege only after: (a) acquiring a permit pursuant to item (12), and (b) obtaining the permission of the owner or person in legal control or legal possession of the premises;

(14) a person engaged in firearms-related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms, unless the premises is posted with a sign limiting possession of firearms to holders of permits issued pursuant to item (12);

(15) a person while transferring a handgun directly from or to a vehicle and a location specified in this

section where one may legally possess the handgun.

(16) Any person on a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached, whether permanently or temporarily, to the motorcycle.

HISTORY: 1962 Code Section 16-129.1; 1965 (54) 578; 1974 (58) 2871; 1975 (59) 630; 1980 Act No. 349; 1982 Act No. 404; 1993 Act No.181, Section 274; 1995 Act No. 85, Section 3; 1996 Act No. 407, Section 2; 1996 Act No. 464, Section 3; 2004 Act No. 294, Sections 1, 2, eff August 16, 2004; 2006 Act No. 336, Section 1, eff June 2, 2006; 2007 Act No. 28, Section 1, eff May 14, 2007; 2014 Act No. 123 (S.308), Section 2.C, eff February 11, 2014; 2021 Act No. 66 (H.3094), Section 3, eff August 15, 2021; 2022 Act No. 218 (H.3050), Section 8, eff May 23, 2022.

Editor's Note

2021 Act No. 66, Section 1, provides as follows:

"SECTION 1. This act may be cited as the 'Open Carry With Training Act'."

Effect of Amendment

2021 Act No. 66, Section 3, in (9)(b), inserted "carried openly or" at the beginning.

2022 Act No. 218, Section 8, in (1), deleted "employed as private detectives or private investigators" following "retired commissioned law enforcement officers".

MAYOR

AND IT IS SO ORDAINED.

COUNCIL MEMBERS:

1st Reading: August 15, 2023

2nd Reading: September 12, 2023

APPROVED AS TO FORM:

Robert Corley, City Attorney

ATTEST:

Felicia Sawyer-Norton, Clerk



214 E. McIntyre Street
Mullins, SC 29574
843-561-0200

August 7, 2023

City of Mullins
151 E. Front Street
Mullins, SC 29574

Liberty Guns is licensed by the ATF as a firearm dealer. We currently sell gun parts that buyers can assemble themselves. We would like to assemble the parts for the buyers so we know sold gun parts are assembled correctly. Gun parts that are correctly assembled by our business will increase community safety by reducing the risk of the buyer misassembling purchased parts.

In order to assemble gun parts, we must apply for a "Type 07" ATF license. This application process includes background checks of all responsible people in our business. All background checks have been completed and approved. The next step for this type of license, is an in-store visit from an ATF representative. This has been completed and approved. The final step is a recommendation from the visiting ATF representative to the nearest ATF office. As part of the recommendation process, the ATF representative is required to consult local government regarding zoning. As this building was previously a site of manufacturing, both textile and fire truck parts and assemblies we had every reason to believe this should not be a difficult process.

It is our understanding that the City of Mullins is concerned about the number of firearms we intend to "manufacture". Please understand that the legal term "manufacture" includes the act of assembling parts as well as the act of making parts. We are not looking to make gun parts (just assemble gun parts) much like AutoZone does not make car batteries but sells them and then correctly installs them for customers. We do not intend to assemble more than 49 firearms in a calendar year.

Of course, parts assembled into a complete firearm must go through the same registration process as all other firearms we currently sell to include background checks and registered serial numbers. Again, we hope that correct assembly by our qualified and

authorized employees is viewed as better than the community risk of unqualified consumers misassembling gun parts.

We hope this addresses the concerns of the City and adequately answers your questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anita Weiskerger', written in a cursive style.

Anita Weiskerger

Don Weiskerger