

AN ORDINANCE

TO PROMOTE THE PEACEFUL EXERCISE OF CONDUCT PROTECTED BY THE FIRST AMENDMENT IN GREENVILLE COUNTY.

BE IT ORDAINED by Greenville County Council:

Section 1. Findings Greenville County Council finds that the right of citizens to picket and protest is a long recognize fundamental right under the First Amendment to the United States Constitution. Additionally, County Council finds that the exercise of these rights should be undertaken in a manner that minimizes the chance for personal injury and harm to public and private property.

Section 2. Definitions.

For the purpose of this ordinance, these words shall have the following meanings:

“Picketing” – the demonstrating and otherwise engaging in expressive conduct protected by the First Amendment in a public area.

“Picketeer” - a person who engages in picketing.

Section 3. Regulation of Picketers.

A. Conduct of Picketers. Peaceful picketing and other expressive conduct protected by the First Amendment shall be allowed in Greenville County, provided such picketing adheres to the following conditions:

- (1) Picketing may only be conducted on sidewalks, on the grounds of a County-owned park or plaza, or in other County or public areas normally used for pedestrian movement. Picketing may not be conducted on any roadway or street used primarily for vehicular traffic.
- (2) Picketers may carry written or printed signs provided the signs do not interfere with the free use of the sidewalk or rights-of-way by other pedestrians.
- (3) Picketers on sidewalks or areas normally used or reserved for pedestrian movement must march or stand single file and not congregate in such a way that blocks or impedes access to any sidewalk, driveway, or business entrance.
- (4) To promote peaceful picketing and ensure a safe environment for the general

public, the following items and substances are prohibited in the immediate area where picketing is occurring:

- i. Bags or other containers exceeding six inches by eight inches by 3 inches, except where such bag or container is completely clear and see-through;
- ii. Any weapon or object that could reasonably be used to strike, stab, cut, launch projectiles or otherwise cause bodily harm to another person including, but not limited to, baseball bats, rods, sticks, poles, knives, box cutters, brass knuckles, sling shots, etc.;
- iii. Pursuant to S.C. Code Ann. § 23-31-520, the open carrying of any firearm;
- iv. Open flames and flammable and combustible liquids;
- v. Any facial mask, headgear, or cloth worn over any portion of the face that prevents facial identification of any person, except for masks covering a part of the face worn for healthcare-related reasons;
- vi. Any carried object resembling or serving as a shield;
- vii. Any armor or defensive covering resembling or serving as body armor;
- viii. Bicycles, automobiles, and mopeds.

This subsection shall not apply to law enforcement officers while engaged in the discharge of their duties.

(5) Where two or more groups of picketers are present at a picketing location, law enforcement officers may in their discretion create specified zones in which each group and its members shall remain while at the picketing location to deter intimidation, aggression or violence between the groups.

B. Interference with Picketers. It shall be a violation of this ordinance for any person, picketer or otherwise, to interfere physically with picketers' lawful use of the sidewalk or other approved areas, or to direct profane, abusive, or threatening language at such picketers in a manner intended to or a reasonable person should know is likely to intimidate or aggravate.

Section 4. Penalties. A person who violates the provisions of this ordinance shall be punished by a civil fine of not more than \$500.00 per offense. Each occurrence of a violation of this ordinance shall be considered a separate and distinct offense.

Section 5. Severability. Should any section, paragraph, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 6. Effective Date. This Ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2023.

Dan Tripp, Chairman
Greenville County Council

ATTEST:

Regina McCaskill
Clerk to Council

Joseph M. Kernell
County Administrator