

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

October 3, 1991

The Honorable Alex Harvin III
The Majority Leader Emeritus
House of Representatives
Post Office Box 266
Summerton, South Carolina 29148

Dear Representative Harvin:

In a letter to this Office you indicated that the City of Forest Acres recently enacted an ordinance that prohibits the sale of firearms within its city limits. You have questioned whether such ordinance violates State law.

Pursuant to Act No. 532 of 1986, comprehensive legislation was enacted dealing with the regulation of weapons in this State. Included within such legislation were provisions now codified as Sections 23-31-510 and 23-31-520 of the Code. Such provisions state

No governing body of any county, municipality, or other political subdivision in this State may enact or promulgate any regulation or ordinance which regulates or attempts to regulate the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things.


This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms, nor does it prevent the regulation of the use, sale, transportation, or public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters.

The Honorable Alex Harvin III
Page 2
October 3, 1991

Therefore to the extent any ordinance deals with matters preempted from local control by Sections 23-31-510 or 23-31-520, such ordinance would not be authorized.


With kind regards, I am

Very truly yours,


Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions