

ORDINANCE 2020-03

AN ORDINANCE AMENDING TITLE 9, OFFENSES, CHAPTER 5, OFFENSES INVOLVING PUBLIC SAFETY OFFICERS

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, The Isle of Palms Council believes it is imperative to take action to assist our Public Safety Officers in the enforcement of its ordinances and state law;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 5, to add a section that makes it unlawful to flee from a public safety officer under certain conditions.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 9, OFFENSES, CHAPTER 5, OFFENSES INVOLVING PUBLIC SAFETY OFFICERS, SHALL BE AMENDED TO READ AS FOLLOWS: |

CHAPTER 5: OFFENSES AGAINST PUBLIC SAFETY OFFICERS.

Sec. 9-5-1. - Assaulting or resisting public official or police officer.

No person shall assault, resist, hinder, oppose, molest or interfere with any officer or employee of the City, of any department or board of the City or of any officer or employee of the Police Department in the discharge of official duties.

(Code 1994, § 9-5-2; Ord. No. 1981-10, 11-11-1981)

Sec. 9-5-2. - False reports or complaints to Police Department.

No person shall knowingly make or file or cause to be made or filed a false or misleading report, allegation or complaint with the Police Department.

(Code 1994, § 9-5-2; Ord. No. 1981-10, 11-11-1981)

Sec. 9-5-3. - False alarms.

(a) No person shall make, or cause to be made with intent to deceive, any false alarm by means of the fire alarm system, public or private alarm system, telephone or by any other means of communication.

(b) No person shall willfully make or cause to be made any false call or request for police, fire protection or ambulance response.

(Code 1994, § 9-5-3; Ord. No. 1993-9, 10-26-1993; Ord. No. 1996-17, 10-22-1996)

Sec. 9-5-4. – Fleeing to evade arrest or detention.

(a) If a person knows that his immediate arrest or detention is being attempted by a duly authorized law enforcement officer, it is the lawful duty of such person to refrain from fleeing, either on foot or by means of any vehicle of conveyance.

(b) In order for this section to apply, the law enforcement officer must be:

- 1) Attempting to effect a lawful arrest as defined by the Code of Laws of South Carolina, 1976, as amended; or
- 2) Attempting to detain the person because the law enforcement possesses reasonable suspicion to believe that the person is or may have been involved in criminal activity. This reasonable suspicion must be derived from circumstances known to the officer and can be supported by articulable facts.
- 3) Additionally, the officer must by visible or audible means, have identified himself as a law enforcement officer and ordered the person to stop.

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon second reading.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 26th DAY OF May, 2020.

Jimmy Carroll, Mayor

(Seal)



Attest:



Nicole DeNeane, City Clerk

Julia P. Copeland, City Attorney