



ORDINANCE NO. 2025-13

AMENDING CHAPTER 5 (POLICE REGULATIONS)
OF THE CITY CODE, BY ADDING SECTION 5-31 (HATE INTIMIDATION);
AND PROVIDING FOR OTHER RELATED MATTERS.

WHEREAS, the City Council ("Council") of the City of Orangeburg ("City") finds:

1. The Council is authorized and empowered to provide for its internal operation according to South Carolina Constitution Article VIII, section 17, the Home Rule Act of 1975, and, including, specifically, for example, South Carolina Code Annotated section 5-7-10, section 5-7-30, and section 5-7-110;
2. Chapter 5 (Police Regulations) of the Code of Ordinances: City of Orangeburg ("City Code") provides for various offenses of the City and the punishment(s) for the same;
3. The residents and visitors of the City represent a diverse group of citizens of different races, colors, creeds, religions, ancestries, sexual orientations, genders, gender identities, national origins, and physical and/or mental disabilities;
4. The City values the diversity of its community and intends to protect its residents and visitors from intimidation, threats, crimes, and hate towards a person because of their actual or perceived ethnicity, national origin, religion, sexual orientation, gender, gender identity, and/or physical or mental disability;
5. The City intends to help deter crimes motivated by bias or hate towards any person;
6. The City is responsible for protecting the health, safety, and welfare of those in its community and for enacting ordinances not inconsistent with the Constitution and general law of the State of South Carolina ("State") to ensure such protection;
7. The State has yet to adopt statewide hate crime legislation and is only one of two states in the United States to have yet adopt such protections for its citizens and visitors; and
8. The Council desires to amend Chapter 5 to provide for the prohibition against hate intimidation.

NOW, THEREFORE, the Council ordains:

1. **Amendment.** Chapter 5 of the City Code is amended, as and if amended, by enacting section 5-31. (Hate Intimidation) as follows:

§ 5-31. Hate Intimidation.

- (a) Definitions. Whenever used in this section, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Minor Child. A person under the age of eighteen.

Ordinance Offense. Any offense set as forth in the City Code.

State Crime. An offense or crime set forth in Title 16 of the South Carolina Code of Laws, as amended.

- (b) Offense defined. It shall be unlawful for any person to, within the incorporated area of the City, commit a State Crime or Ordinance Offense with the intent, in whole or in part, to cause, or cause the fear of, harm, injury, or damage to the victim's person or property because of the victim's actual or perceived race, ethnicity, national origin, color, religion, sexual orientation, gender, gender identity, or physical or mental disability, whether or not the perception is correct. A person found in violation of this section is guilty of the separate hate crime offense of "Hate Intimidation."

(c) Criminal enforcement. Penalty.

(1) A person who violates any provision of this section during the commission of a State Crime or Ordinance Offense and is charged by a law enforcement officer with committing such crime or offense shall also be charged by that officer with a violation of this section. Upon conviction, a person charged with a violation of this section shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both, and may be required by the court to make restitution.

(2) The parent(s) or legal guardian(s) of a Minor Child convicted of violating any provision of this section shall be liable for any damages, pursuant to Title 63 of the South Carolina Code of Laws, as amended, caused by the Minor Child and shall be required to pay any restitution ordered if any act or omission of the parent(s) or legal guardian(s) contributed to the action(s) of the Minor Child.

(3) A court may impose community service or participation in an educational or counseling program for the violation of this section.

(d) Remedies not exclusive. The provisions of this Section 5-31 are in addition to, and not in lieu of, any other enforcement provision or process permitted by law. Nothing in this Section 5-31 supplants, alters, or limits a statutory or common law right of a person to bring an action in court or the right of the lawful jurisdiction to prosecute a person for the commission of hate intimidation or any other hate crime.

2. Codification. The amendment(s) to the City Code as contained in paragraph 1, above, of this Ordinance shall be codified, online as soon as practicable and in print as part of the City's next, regular, re-codification of the City Code as and if next codified.

3. Reservation to City. The City reserves the right to repeal or amend this Ordinance, at any time, from time to time, as often as the City, in its sole discretion, deems appropriate.

4. Severability. If any part of this Ordinance is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

5. General Repealer. Each ordinance, resolution, order, or part of the same in conflict with this Ordinance, is, to the extent of that conflict, repealed.

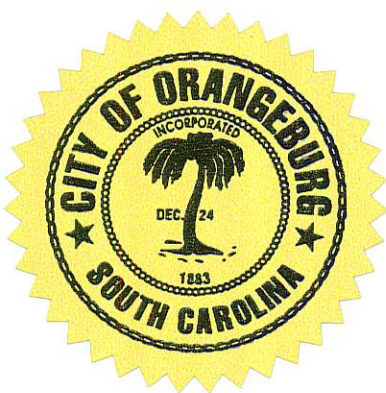
ENACTED BY the City Council on October 7, 2025.

Mayor

Michael C. Butler

Members of Council

Atty. Gen.
Randall P. Kistner
Lois Zimmerman Kett
Kelley Howard
Jack White
John R. Smith



Linda McDaniel

Attest: _____
City Clerk

First Reading: August 19, 2025
Second Reading: September 2, 2025
Third Reading: October 7, 2025