

STATE OF SOUTH CAROLINA

CITY OF GAFFNEY

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ORDINANCE NO. 2025-3

AN ORDINANCE TO AMEND CHAPTER 16, MISCELLANEOUS
OFFENSES, AND ADD A SECTION TO THE CODE OF ORDINANCE OF
THE CITY OF GAFFNEY TO PROVIDE FOR THE OFFENSE OF BIAS-
BASED INTIMIDATION AND MATTERS RELATED THERETO

WHEREAS, the City Of Gaffney's residents are a richly diverse collection of individuals representing a multitude of ethnicities, national origins, colors, religions, sexual orientations, genders, and gender identities. The City is also a home to many with physical and mental disabilities; and

WHEREAS, the City is a popular visitor destination and draws individuals who also represent a great variety of ethnicities, national origins, colors, religions, sexual orientations, genders, and gender identities as well as physical and mental disabilities; and

WHEREAS, the City values and wishes to protect its residents and visitors irrespective of their ethnicities, national origins, colors, religions, sexual orientations, genders and gender identities, or physical and mental disabilities; and

WHEREAS, crimes that are motivated by bias or hate toward an individual because of their actual or perceived ethnicity, national origin, color, religion, sexual orientation, gender and gender identity or any physical or mental disability are an affront to the values held by the City; and

WHEREAS, the City wishes to deter crimes motivated by bias or hate toward any individual because of their actual or perceived ethnicity, national origin, color, religion, sexual orientation, gender and gender identity or physical or mental disability, and provide separate appropriate penalties in addition to the punishment for the underlying violation of the criminal ordinances of the City; and

WHEREAS, City Council, having the authority to adopt and provide for the enactment of such ordinances that are not inconsistent with its own Code of Ordinances, the Constitution, and laws of the State of South Carolina and further having the authority to promote and protect the security and general welfare of all of its residents and to preserve the peace and maintain order within its borders, hereby desires to create the separate offense of bias-based intimidation to provide for appropriate penalties for same;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GAFFNEY, SOUTH CAROLINA, the Code of Ordinances of the City of Gaffney shall be amended as set forth in the attached Exhibit, which is incorporated herein by reference. The City Clerk is directed to ensure that said amendments are properly codified in the City Code.

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If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance. Any other ordinance or any parts of this ordinance that conflict with this ordinance are hereby repealed or superseded to the extend necessary to give this ordinance full force and effect.


This ordinance shall become effective immediately upon its adoption.

Done, ratified, and adopted in Council duly assembled this 7 day of April, 2025.

CITY OF GAFFNEY, SOUTH CAROLINA


Lyman D. Dawkins III, MAYOR

ATTEST:


James R. Taylor, City Administrator

Date of First Reading: March 3, 2025

Date of Second Reading: April 7, 2025

EXHIBIT

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GAFFNEY, SOUTH CAROLINA, the Code of Ordinances of the City of Gaffney shall be amended as set forth in this Exhibit. The City Clerk is directed to ensure that said amendments are properly codified in the City Code.

Sec. 16-_____ - Bias-based intimidation and matters related thereto

a. Offense defined.

A person who commits a crime in violation of another section of this Chapter, or in violation of any State statute or municipal ordinance, within the city of Gaffney and with the intent in whole or in part to cause harm, injury or damage to the person or property of the victim or to cause the victim to fear harm, injury, damage to their person or property, because of the actual or perceived ethnicity, national origin, color, religion, sexual orientation, gender or gender identity or physical or mental disability of the victim is guilty of the separate offense of bias-based hate intimidation.

b. Penalties.

A violation of this section shall be a misdemeanor and punishable by a fine of not more than \$500.00 and/or by imprisonment for not more than 30 days. The sentence imposed must be consecutive to the sentence for the underlying criminal offense unless the court articulates on the record the reasons why the sentences should run concurrently. Any sentence may be suspended upon completion by the defendant of appropriate education, counseling or community service or employment as ordered by the court. The court may also designate all or part of the imposed fine be directed to the support of programs designed to combat bias based on ethnicity, national origin, color, religion, sexual orientation, gender or gender identity or physical or mental disability.

c. Restitution authorized.

In addition to the penalties provided for above, the court may order restitution up to the limits of the court's jurisdiction for damages sustained by the victim of the offense directly related to the commission of the crime which may include compensation for medical bills, counseling or therapy or damage to property sustained by the victim as a result of the underlying criminal offense.