

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2026-26**

AN ORDINANCE TO AMEND CHAPTER 2 OF THE OCONEE COUNTY CODE OF ORDINANCES BY ADDING AN ARTICLE ENTITLED “PROTECTION FROM MASS SURVEILLANCE”; TO PROHIBIT THE USE OF COUNTY FUNDS, PROPERTY, PERSONNEL, EQUIPMENT, CONTRACTS, INFORMATION-TECHNOLOGY SYSTEMS, AND OTHER COUNTY RESOURCES FOR PROHIBITED MASS SURVEILLANCE SYSTEMS; TO PROHIBIT THE PLACEMENT OR OPERATION OF SUCH SYSTEMS ON COUNTY PROPERTY AND WITHIN COUNTY-CONTROLLED ROAD RIGHTS-OF-WAY; TO ESTABLISH ELIGIBILITY REQUIREMENTS FOR DISCRETIONARY COUNTY APPROPRIATIONS, RECREATION FUNDS, ACCOMMODATIONS-TAX AWARDS, GRANTS, SPONSORSHIPS, AND OTHER COUNTY-CONTROLLED DISTRIBUTIONS; TO INCLUDE MUNICIPALLY SPONSORED EVENTS AND MATERIAL IN-KIND MUNICIPAL SUPPORT WITHIN SUCH ELIGIBILITY REQUIREMENTS; TO PREVENT CIRCUMVENTION THROUGH AFFILIATED OR SEPARATELY INCORPORATED ENTITIES; TO AMEND CHAPTER 30, ARTICLE III, BY ADDING PERMANENT ACCOMMODATIONS-TAX ELIGIBILITY, DISCLOSURE, AND ENFORCEMENT PROVISIONS; TO AMEND CHAPTER 26 BY PROHIBITING MASS SURVEILLANCE ENCROACHMENTS WITHIN COUNTY-CONTROLLED RIGHTS-OF-WAY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Oconee County, South Carolina, the “County,” is a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through the Oconee County Council, the “County Council”; and

WHEREAS, S.C. Code § 4-9-25 authorizes counties to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of South Carolina, respecting subjects that counties determine to be necessary and proper for their security, general welfare, convenience, health, peace, order, and good government, and directs that County powers be liberally construed in favor of counties; and

WHEREAS, S.C. Code § 4-9-30 authorizes County Council, among other powers, to acquire and control real and personal property, make and execute contracts, make appropriations for County functions and operations, provide for accounting and disbursement of funds, regulate County roads and public works, and enact and enforce ordinances implementing those powers; and

WHEREAS, County Council recognizes a fundamental distinction between the observation of a particular person, vehicle, device, activity, or event at a specific place and time and the systematic collection, aggregation, identification, retention, analysis, and sharing of large numbers of observations in a manner capable of reconstructing the movements, activities, behaviors, relationships, and associations of persons who are not suspected of criminal activity; and

WHEREAS, Modern surveillance systems may automatically identify, distinguish, classify, follow, track, or associate persons, vehicles, electronic devices, activities, movements, and locations through automated license plate recognition, vehicle-feature recognition, facial recognition, biometric identification, artificial intelligence, machine learning, computer vision, wireless-device

identification, geolocation analysis, persistent aerial surveillance, and other existing or future technologies; and

WHEREAS, County Council does not intend to prohibit automated license plate recognition merely because a system reads alphanumeric plate characters or performs a basic exact-match comparison against a specifically identified, lawfully maintained hot list, but does intend to prohibit systems that add historical tracking, external network sharing, warrantless external access, artificial intelligence, biometric recognition, persistent monitoring, or other capabilities that constitute mass surveillance; and

WHEREAS, County Council recognizes that a system whose retained information is inaccessible unless prior individualized judicial authorization is technically verified, and that neither contributes information to nor is searchable through an external surveillance database or network, does not present the same mass-surveillance risks as an open, shared, or warrantless system; and

WHEREAS, County Council finds that the indiscriminate collection of identifying or reasonably linkable information concerning persons who are not suspected of criminal activity, when combined with artificial intelligence, machine learning, algorithmic analysis, interstate information sharing, external databases, or access by agencies outside the collecting jurisdiction without prior individualized judicial authorization, creates substantial risks to personal privacy, freedom of movement, freedom of association, freedom of religion, political participation, property rights, and other liberties protected by the United States Constitution, the South Carolina Constitution, and the traditions of a free society; and

WHEREAS, County Council finds that a person's movements and activities may reveal visits to a home, church, medical provider, attorney, political meeting, campaign event, civic organization, place of employment, school, charitable organization, or other location from which sensitive personal activities, beliefs, and associations may be inferred; and

WHEREAS, County Council finds that the governmental collection of information from a place open to public view does not eliminate the heightened privacy and liberty concerns created when large numbers of individual observations are aggregated into a comprehensive, searchable, analyzable, and shareable history of a person's movements, activities, behaviors, and associations; and

WHEREAS, County Council finds that artificial intelligence and algorithmic analysis can transform ordinary images, sounds, observations, or electronic signals into detailed profiles, behavioral patterns, associations, predictions, classifications, alerts, and investigative leads concerning persons who are not suspected of criminal activity; and

WHEREAS, County Council finds that requiring individualized judicial authorization before accessing a detailed history of a person's movements, activities, or associations provides an important safeguard against indiscriminate, improper, politically motivated, or otherwise abusive surveillance; and

WHEREAS, County Council does not intend through this Ordinance to direct the conduct of any specific criminal investigation, interfere with a lawful emergency response, regulate ordinary cameras located entirely on private property outside County property or County-controlled rights-of-way, alter any duty expressly assigned to an elected official by the general law of South Carolina, or regulate the operational decision of a constitutional officer or municipal law-enforcement officer to request, receive, or use lawfully available information from a system that the officer's jurisdiction

does not own, fund, contract for, operate, host, maintain, or supply with locally collected surveillance information; and

WHEREAS, County Council does intend to exercise its lawful authority over County appropriations, County property, County contracts, County equipment, County personnel resources, County information-technology systems, County-administered grants, County-controlled road rights-of-way, and other County-controlled resources; and

WHEREAS, County Council finds that County taxpayers should not be required to purchase, fund, operate, maintain, host, power, connect, or otherwise support a mass surveillance system that systematically records, identifies, analyzes, or shares information concerning County residents and visitors who are not suspected of criminal activity; and

WHEREAS, County Council further finds that a municipality or other governmental entity has no entitlement to receive a discretionary County appropriation, grant, sponsorship, recreation allocation, capital contribution, or other discretionary distribution of County-controlled funds; and

WHEREAS, County Council finds that it is contrary to County policy and inconsistent with the County's stewardship of limited public resources to provide discretionary financial assistance to a governmental entity that chooses to participate in a prohibited mass surveillance system; and

WHEREAS, County accommodations-tax revenues are intended to promote tourism, attract visitors, support tourism-related facilities and events, and enhance the experience of persons visiting Oconee County, subject to the requirements of S.C. Code §§ 6-4-10, 6-4-25, 6-1-520, and 6-1-530; and

WHEREAS, County Council finds that it is inconsistent with those purposes to use County-administered discretionary tourism funds to subsidize a municipality that systematically identifies, records, catalogs, analyzes, tracks, or shares information concerning the residents and visitors whom those funds are intended to serve or attract; and

WHEREAS, County Council recognizes that municipalities frequently sponsor festivals and events through nonprofit corporations, festival boards, committees, chambers of commerce, civic organizations, fiscal agents, or other separately organized entities; and

WHEREAS, County Council finds that municipal sponsorship may consist of appropriated money or material in-kind assistance, including law-enforcement details, traffic control, road closures, barricades, municipal park or street space, public works labor, sanitation, equipment, insurance, administrative assistance, promotion, utility service, fee waivers, or other governmental support having material value; and

WHEREAS, County Council finds that the substance and economic reality of a municipality's relationship with an event should control over the legal name, tax status, or nominal independence of the event organizer and that the eligibility requirements established by this Ordinance should not be circumvented by routing an application or payment through a separate committee, nonprofit corporation, contractor, chamber of commerce, fiscal agent, or affiliated organization; and

WHEREAS, Chapter 26 of the Oconee County Code of Ordinances and the County's adopted encroachment policies regulate activities and installations within County-maintained roads, easements, and rights-of-way; and

WHEREAS, County Council finds that County-owned property and County-controlled road rights-of-way should not be used as platforms for prohibited mass surveillance systems, regardless of whether a camera, sensor, scanner, device, supporting pole, communications equipment, software

platform, or associated infrastructure is owned by a governmental entity, private vendor, utility company, contractor, or other person; and

WHEREAS, County Council has determined that the following provisions are necessary and proper for the protection of the general welfare, preservation of liberty, responsible administration of County resources, and good government of Oconee County.

NOW, THEREFORE, BE IT ORDAINED by the Oconee County Council, in meeting duly assembled, that:

SECTION 1. CREATION OF CHAPTER 2 ARTICLE

Chapter 2 of the Oconee County Code of Ordinances is amended by adding a new Article VII, entitled “Protection from Mass Surveillance,” consisting of Sections 2-500 through 2-516, to read as follows.

ARTICLE VII. PROTECTION FROM MASS SURVEILLANCE

Sec. 2-500. Title.

This article shall be known and may be cited as the “Oconee County Protection from Mass Surveillance Ordinance.”

Sec. 2-501. Purpose and construction.

(a) The purposes of this article are to:

1. Prevent County-controlled funds and resources from being used to acquire, own, fund, operate, maintain, host, or otherwise support prohibited mass surveillance systems;
2. Prevent County-owned or County-controlled property and road rights-of-way from being used for the installation, hosting, support, or operation of prohibited mass surveillance systems;
3. Establish uniform eligibility requirements for discretionary County appropriations, grants, accommodations-tax awards, recreation funds, sponsorships, and other County-controlled distributions;
4. Prevent circumvention of those eligibility requirements through separate corporations, nonprofit organizations, festival committees, affiliated entities, fiscal agents, contractors, or other intermediaries;
5. Protect the privacy, liberty, freedom of movement, freedom of religion, freedom of association, political participation, property rights, and other rights of Oconee County residents and visitors; and
6. Ensure that County-controlled funds and resources are administered consistently with the policies adopted by County Council.

(b) This article shall be construed broadly to accomplish its remedial and protective purposes, but not in a manner inconsistent with the Constitution or general law of South Carolina.

(c) The capability, configuration, operation, integration, and practical effect of a system shall control over its brand name, marketing description, nominal purpose, ownership, or characterization by its vendor or operator.

(d) A system composed of several separately owned or operated components shall be evaluated according to the collective capabilities and practical effect of the integrated system.

(e) As applied to an independently elected County officer whose office is created by the Constitution or general law of South Carolina, this article governs only: (1) the appropriation or expenditure of County-controlled funds; (2) contracts or procurements entered into by or on behalf of the County using County-controlled funds; and (3) the installation, ownership, operation, hosting, or maintenance of a prohibited mass surveillance system on County property or within a County-controlled right-of-way over which County Council possesses lawful proprietary or regulatory authority.

(f) Nothing in this article regulates or prohibits the operational decision of such a constitutional officer or the officer's employees to search, query, request, receive, analyze, or use lawfully available information from a system owned and operated by another entity. Ordinary use of County-provided office space, personnel, computers, networks, utilities, or communications in the lawful performance of the officer's duties does not, standing alone, constitute County acquisition, ownership, operation, hosting, maintenance, or support of a prohibited mass surveillance system.

Sec. 2-502. Definitions.

For purposes of this article, the following definitions apply:

Artificial intelligence or algorithmic analysis

"Artificial intelligence or algorithmic analysis" means artificial intelligence, machine learning, neural-network processing, computer vision, predictive analytics, pattern recognition, automated classification, automated decision-making, or another computational process used to identify, distinguish, verify, classify, compare, rank, associate, follow, track, predict, infer, profile, or generate an alert concerning a person, vehicle, electronic device, object, location, route, activity, behavior, characteristic, or association.

The term does not include basic motion detection, image stabilization, cybersecurity filtering, nonidentifying traffic counting, optical character recognition used solely to read alphanumeric license plate characters, or a basic one-to-one exact-match comparison of those characters against a specifically identified, lawfully maintained hot list, unless used as part of a prohibited mass surveillance system.

Automated biometric recognition

"Automated biometric recognition" means the automated or algorithmic identification, attempted identification, verification, categorization, reidentification, or tracking of a person based upon a biological, physiological, physical, or behavioral characteristic.

The term includes recognition or analysis based upon:

1. Face or facial geometry;
2. Iris or retina;
3. Voice or voiceprint;
4. Gait or manner of movement;
5. Fingerprint;
6. Hand, palm, or vein geometry;
7. Body shape or body geometry;
8. Ear shape;
9. Tattoos, scars, birthmarks, or other distinguishing physical features;
10. Clothing or combinations of physical appearance;

11. Behavioral characteristics; or

12. A mathematical, digital, or algorithmic template derived from any such characteristic.

The term does not include automated face or license plate detection used solely to blur, mask, or redact identities in a recording or image before disclosure or release, provided the technology is not used to identify, reidentify, classify, or track a person.

County

“County” means Oconee County, South Carolina, including its departments, agencies, boards, commissions, offices, facilities, employees, officials, and other organizational units, only to the extent County Council possesses lawful appropriations, property, contracting, administrative, or policy authority over them. With respect to an independently elected constitutional officer, the term does not extend County Council’s authority to the officer’s operational law-enforcement or other statutory decisions.

County-controlled funds

“County-controlled funds” means any money, revenue, account, appropriation, allocation, grant, reimbursement, fee, tax revenue, bond proceeds, special-revenue funds, capital funds, County-administered state or federal funds, accommodations-tax revenue, recreation funds, council-district funds, or other financial resources over which County Council possesses legal appropriation, allocation, contracting, grant-making, or expenditure authority.

The term includes County money transferred to or administered by another governmental entity, elected office, nonprofit organization, contractor, fiscal agent, committee, or other recipient.

The term does not include money that the County is expressly and unconditionally required by state or federal law, final court order, binding bond covenant, or preexisting enforceable contract to distribute to a specifically identified recipient.

Whether forfeiture proceeds, restricted grants, donations, or other funds received or administered by an independently elected constitutional officer constitute County-controlled funds shall be determined under controlling law and the terms governing the particular funds. Such funds are not deemed County-controlled solely because they are received or held by the officer’s office.

County-controlled right-of-way

“County-controlled right-of-way” means a County-owned, County-maintained, or County-controlled road, street, bridge, shoulder, median, sidewalk, drainage area, easement, right-of-way, or other transportation corridor, including the space above or below it, within which the County possesses legal authority to regulate encroachments or uses.

The term does not include an SCDOT-maintained right-of-way or a municipal right-of-way unless the County possesses a separate ownership interest, easement, maintenance responsibility, or other legal authority over the particular location.

County property

“County property” means real or personal property owned, leased, occupied, managed, maintained, or legally controlled by the County, including:

1. Administrative and governmental buildings;
2. Courthouse property;
3. Law-enforcement and detention facilities;
4. Fire, rescue, and emergency medical facilities;

5. Libraries;
6. Parks and recreation facilities;
7. Solid-waste facilities;
8. Public works and road facilities;
9. County airport property;
10. County quarry property;
11. Communications towers and sites;
12. Parking lots;
13. County vehicles, trailers, drones, poles, signs, bridges, fixtures, utility structures, traffic-control devices, computer systems, software, accounts, databases, and communications equipment; and
14. Property controlled by a County board, commission, department, agency, district, or authority to the extent County Council possesses lawful control over the use of such property.

Discretionary County distribution

“Discretionary County distribution” means any appropriation, allocation, grant, award, sponsorship, contribution, reimbursement, capital assistance, recreation allocation, council-district allocation, in-kind assistance, preferential use of County property, or other transfer of County-controlled funds or resources for which the recipient has no absolute statutory or contractual right to receive a specifically determined amount.

External agency

“External agency” means a law-enforcement agency, governmental entity, fusion center, task force, private contractor, vendor, commercial entity, nonprofit organization, or other person or organization outside the agency or jurisdiction that originally collected the surveillance information.

External surveillance database or network

“External surveillance database or network” means a multijurisdictional, regional, statewide, interstate, national, international, vendor-controlled, third-party, federated, reciprocal-access, cloud-based, shared, or otherwise interconnected system through which surveillance information may be uploaded, stored, indexed, searched, transmitted, analyzed, compared, retrieved, requested, or made accessible outside the jurisdiction that originally collected it.

The term applies regardless of whether the information is physically combined in one database or remains in separate databases that are accessible through a shared portal, federated search, reciprocal agreement, request process, vendor-assisted search, or other coordinated process.

Individualized judicial authorization

“Individualized judicial authorization” means a warrant, court order, or other prior authorization issued by a neutral judicial officer and particularized to a specifically identified person, vehicle, electronic device, place, offense, or criminal investigation.

The following do not constitute individualized judicial authorization:

1. A user entering an internal reason code;
2. Supervisory approval within the requesting agency;
3. A documented law-enforcement purpose;
4. A vendor’s terms of service;
5. An agency policy permitting access;

6. A generalized memorandum of understanding;
7. Participation in a shared database or reciprocal-access network;
8. A case number entered by the user; or
9. An audit conducted after access or use has occurred.

In-kind municipal support

“In-kind municipal support” means material assistance, services, property, labor, equipment, insurance, promotion, fee relief, utilities, or other support provided by or through a municipality without the event organizer paying the full actual cost of the assistance, or provided on preferential terms not generally available to similarly situated private applicants.

In-kind municipal support includes, but is not limited to:

1. Dedicated police details, security, traffic control, or law-enforcement personnel;
2. Dedicated fire protection, emergency medical services, rescue, or emergency-management support;
3. Road or street closures;
4. Barricades, cones, signs, detours, or traffic-control equipment;
5. Sanitation, waste collection, portable restroom service, or cleanup;
6. Public works personnel, vehicles, equipment, setup, teardown, or logistical assistance;
7. Free, donated, discounted, or preferential use of municipal parks, streets, sidewalks, buildings, parking lots, stages, facilities, or other property;
8. Municipal insurance, indemnification, purchasing, contracting, or fiscal-agent services;
9. Administrative personnel or planning assistance;
10. Electricity, water, communications service, or other utilities;
11. Printing, signs, advertising, website placement, social-media promotion, or other promotional assistance;
12. Waiver, reduction, reimbursement, or absorption of permit fees, rental charges, personnel expenses, utility charges, or other costs;
13. Appointment of members to an organizing board, committee, or governing body; or
14. Any other assistance having material financial, operational, organizational, or promotional value.

Mass surveillance

“Mass surveillance” means the systematic or routine observation, acquisition, collection, recording, identification, retention, indexing, aggregation, analysis, tracking, or sharing of information concerning persons, vehicles, electronic devices, activities, movements, locations, behaviors, or associations when:

1. The activity is not limited to a specifically identified target selected on the basis of individualized reasonable suspicion, probable cause, or individualized judicial authorization; and
2. The activity collects, processes, retains, or makes searchable information concerning persons who are not suspected of criminal activity.

Mass surveillance includes systematic collection from persons, vehicles, or electronic devices generally passing through, present within, or observable from a geographic area.

Mass surveillance may occur even when:

1. Each individual observation occurs in a public or publicly accessible place;
2. The information is initially retained for a limited period;
3. The information is collected, processed, or stored by a private contractor;
4. The collecting agency states that the information may be used only for law-enforcement or public-safety purposes;
5. Access is subject to an internal policy, internal approval, case-number requirement, or later audit;
6. Data is stored in separate databases rather than one centralized database; or
7. The system is described as a crime-prevention, public-safety, investigative, traffic-management, intelligence, or community-safety tool.

Material municipal support

“Material municipal support” means financial, operational, promotional, administrative, organizational, or in-kind municipal assistance that contributes to the planning, organization, funding, promotion, location, operation, security, traffic control, setup, cleanup, or other meaningful function of an event.

The forms of assistance specifically listed in the definition of “in-kind municipal support” are deemed material when provided for the planned operation of an event.

Municipally sponsored event

“Municipally sponsored event” means an event, festival, program, activity, performance, celebration, competition, parade, fair, concert, market, exhibition, promotion, or other gathering that is:

1. Organized, administered, controlled, funded, co-sponsored, materially supported, or officially promoted by a municipality;
2. Conducted by a nonprofit corporation, festival committee, chamber of commerce, civic organization, contractor, fiscal agent, affiliated organization, or other entity acting in partnership with or receiving material municipal support from a municipality;
3. Presented or marketed as an official municipal event;
4. Governed in whole or in part by persons appointed by a municipal governing body or municipal official; or
5. Conducted with material financial or in-kind municipal support.

The substance and economic reality of the relationship shall control over the event organizer’s corporate form, tax status, legal name, or nominal independence.

The issuance of an ordinary permit, performance of a routine governmental inspection, or provision of an unplanned emergency response available to the general public does not, standing alone, constitute municipal sponsorship.

Planned dedicated personnel, donated or discounted services, preferential use of municipal property, road closures, barricades, public works support, or other event-specific operational assistance constitute municipal sponsorship.

Participating governmental entity

“Participating governmental entity” means a municipality or other governmental entity that directly or indirectly:

1. Owns, leases, purchases, subscribes to, operates, administers, funds, or contracts for a prohibited mass surveillance system;
2. Installs, hosts, operates, maintains, or permits such a system on property or a right-of-way under its control;
3. Provides electricity, communications, infrastructure, maintenance, equipment, or other material operational support for such a system;
4. Contributes surveillance information collected by or on behalf of the entity to an external surveillance database or network; or
5. Knowingly permits a contractor, vendor, task force, other governmental entity, or affiliated organization to own, operate, administer, host, maintain, or contribute locally collected surveillance information to such a system on the entity's behalf.

A governmental entity does not become a participating governmental entity solely because one of its law-enforcement officers or employees searches, queries, requests, receives, analyzes, or uses information collected by a system owned and operated by another entity, provided the governmental entity does not otherwise engage in conduct described in items 1 through 5 of this definition.

Period of participation

“Period of participation” means the period beginning when an entity first engages in conduct described in the definition of “participating governmental entity” and ending upon written restoration of eligibility under Section 2-512.

Personally identifying or reasonably linkable information

“Personally identifying or reasonably linkable information” means information that directly identifies a person or may reasonably be used, alone or together with other information, to distinguish, locate, identify, reidentify, follow, track, profile, or associate a person, household, vehicle, or electronic device.

The term includes:

1. Facial or biometric information;
2. Images or recordings of identifiable persons;
3. License plate information;
4. Vehicle characteristics or vehicle signatures;
5. Geographic location;
6. Dates and times of presence or travel;
7. Cellular, wireless, Bluetooth, network, advertising, or other electronic device identifiers;
8. Voice, audio, or acoustic signatures;
9. Travel routes or location histories;
10. Associations between persons, vehicles, devices, organizations, or locations; and
11. Profiles, classifications, predictions, or inferences derived from such information.

Prohibited mass surveillance system

“Prohibited mass surveillance system” means any fixed, mobile, portable, temporary, vehicle-mounted, body-mounted, pole-mounted, airborne, or otherwise deployed camera, microphone, sensor, scanner, drone, aircraft, communications device, software platform, database, network, service, artificial-intelligence system, or combination thereof that:

First, systematically or routinely captures, collects, receives, derives, processes, identifies, indexes, stores, searches, analyzes, transmits, or shares personally identifying or reasonably linkable information concerning persons, vehicles, electronic devices, activities, movements, locations, behaviors, characteristics, or associations in public or publicly accessible places; and

Automated license plate recognition consisting solely of optical character recognition of alphanumeric plate characters, together with a basic one-to-one exact-match comparison against a specifically identified, lawfully maintained hot list, does not, standing alone, constitute a prohibited capability. A system using those functions is prohibited only if it otherwise satisfies this definition and also possesses, performs, enables, contributes to, or participates in at least one capability listed below.

Second, possesses, performs, enables, contributes to, or participates in one or more of the following capabilities:

1. Automated biometric recognition, including facial recognition, when used in or directed toward a public or publicly accessible place;
2. Identification, location, or tracking of electronic devices through cellular, wireless, Bluetooth, radio-frequency, advertising, network, or other electronic identifiers or signals;
3. Automated identification, reidentification, or tracking of a person, vehicle, object, or electronic device across multiple observations, cameras, sensors, locations, or times;
4. Creation of a searchable historical record of a person's, vehicle's, or device's locations, movements, routes, activities, behaviors, or associations;
5. Upload, transmission, contribution, or availability of surveillance information to an external surveillance database or network;
6. Searchability by, or access for, an external agency without prior individualized judicial authorization;
7. Artificial intelligence or algorithmic analysis used to identify patterns, behaviors, characteristics, associations, travel histories, routes, common locations, groups, relationships, risks, anomalies, predictions, classifications, investigative leads, or other inferences;
8. Automated generation of alerts, flags, rankings, classifications, watch-list matches, or risk assessments based upon behavior, association, route, location pattern, biometric characteristic, vehicle feature other than exact alphanumeric plate characters, or an algorithmically generated criterion; provided that a basic one-to-one exact-match comparison of plate characters against a specifically identified, lawfully maintained hot list does not, standing alone, satisfy this item;
9. Combination of surveillance information with commercial data, communications information, mobile-device information, social-media information, property records, public records, biometric information, or another database for identification, tracking, profiling, classification, or inference;
10. Persistent aerial, drone-based, camera-based, sensor-based, audio-based, or electronic monitoring of public or publicly accessible places;
11. Identification or tracking based upon facial appearance, gait, voice, clothing, body shape, tattoos, distinguishing features, vehicle appearance, device signals, or another physical, behavioral, or electronic characteristic; or
12. A capability substantially equivalent to one or more of items 1 through 11 that permits the system to perform "mass surveillance" as defined in this article.

A system may constitute a prohibited mass surveillance system regardless of:

1. Its brand name or vendor;
2. Whether its equipment, software, or database is publicly or privately owned;
3. Whether information is physically stored inside or outside South Carolina;
4. Whether separate databases are searched through a common portal rather than physically combined;
5. Whether information is retained for a limited number of hours or days;
6. Whether agency policy requires a user to enter a reason, case number, or documented purpose;
7. Whether access is labeled direct, indirect, reciprocal, shared, federated, assisted, or request-based;
8. Whether the system is provided without charge, through a trial program, by donation, through a grant, or through another entity;
9. Whether the vendor or operator describes the technology as artificial intelligence; or
10. Whether a system performs prohibited processing remotely after ordinary cameras, microphones, or sensors collect the original information.

Surveillance information

“Surveillance information” means any image, video, audio, signal, record, identifier, metadata, time, date, location, search history, query, alert, analytical output, profile, classification, association, prediction, or inference captured, collected, received, produced, or derived by a surveillance system.

Sec. 2-503. Limited exclusions.

(a) A prohibited mass surveillance system does not include:

1. A camera or system used solely to control entry into a secured building, gated facility, restricted parking area, utility site, detention facility, computer system, or other restricted property, provided that:
 - a. Its use is limited to verifying the identity or authority of persons seeking access;
 - b. It is not primarily directed toward persons or traffic in a public or publicly accessible area;
 - c. Its information is not used to track a person outside the secured location; and
 - d. Its information is not contributed to or searchable through an external surveillance database or network;
2. An ordinary premises-security camera that is not configured or used to conduct automated biometric recognition, automated reidentification, cross-camera tracking, historical movement analysis, or external database sharing;
3. A camera or sensor used solely for real-time traffic-flow management, nonidentifying traffic counting, road-condition monitoring, weather observation, traffic-signal operation, infrastructure monitoring, or emergency detection, provided that it does not create person-specific, vehicle-specific, or device-specific records, permit retrospective identification or tracking, or transmit identifying information to another database;
4. Periodic aerial or satellite imagery acquired for mapping, tax assessment, planning, engineering, environmental monitoring, infrastructure management, or damage assessment, provided the imagery is not used to identify or track particular persons, vehicles, or electronic devices and is not incorporated into a prohibited mass surveillance system;

5. A body-worn camera, manually operated camera, or vehicle dashboard camera used to record an officer's direct interaction, traffic stop, emergency response, or specifically identified incident, provided its recordings are not routinely subjected to automated biometric recognition, mass identification, cross-camera tracking, or incorporation into an external mass surveillance network;
6. A manually operated camera, sensor, or investigative device used during a particularized investigation pursuant to the judicial authorization required by law;
7. A temporary system narrowly deployed to locate a specifically identified abducted, missing, endangered, or fleeing person during an objectively reasonable emergency, provided that:
 - a. Deployment is limited in geographic scope and duration;
 - b. Access and use are limited to the emergency;
 - c. Information concerning uninvolved persons is not retained or used for an unrelated purpose; and
 - d. Information is not contributed to a general-purpose external surveillance database or network;
8. Incident-specific aerial or drone operations conducted for search and rescue, disaster response, fire suppression, accident reconstruction, scene documentation, fugitive apprehension, or response to a specific reported incident, provided the operation is limited in geographic scope and duration, is not a routine or persistent aerial patrol of the general public, and its information is not contributed to a general-purpose external surveillance database or network;
9. A parking, payment, toll, or access-control system that collects only the information reasonably necessary to complete a transaction or control entry and does not contribute information to a law-enforcement or mass surveillance database;
10. A cybersecurity system used to protect County computer networks, information systems, or accounts, provided it is not used to monitor the physical movements or activities of persons in public places;
11. A system used solely for emergency dispatch, emergency communications, or response to a specific reported incident, provided it is not used for continuous mass identification or tracking;
12. A system whose use is expressly required by controlling state or federal law, but only to the minimum extent expressly required; or
13. A system otherwise described in the definition of "prohibited mass surveillance system," if:
 - a. Every search, query, retrieval, or analytical use of retained information is technically conditioned upon prior individualized judicial authorization;
 - b. The technical controls prevent such access unless information identifying the judicial authorization is entered or verified and create an auditable record of the access;
 - c. The system does not contribute information to, and is not searchable through, an external surveillance database or network; and
 - d. The system does not perform real-time identification, tracking, alerting, or analytical use before the required individualized judicial authorization.

For purposes of item 13, an agency policy, user attestation, supervisor approval, case-number requirement, or after-the-fact audit, standing alone, is not a technical condition upon access.

(b) A system otherwise falling within an exclusion loses the exclusion if its information is routinely uploaded to, made accessible through, searched through, analyzed by, combined with, or used as an input for a prohibited mass surveillance system.

(c) In any eligibility determination under this article or application for a County permit, license, lease, easement, encroachment authorization, use agreement, or other County approval, the person or entity claiming an exclusion bears the burden of demonstrating that the system qualifies for an exclusion under this section. This subsection does not alter any burden of proof applicable in an enforcement action, judicial proceeding, or constitutional challenge.

Sec. 2-504. Prohibition on County expenditures and resources.

(a) No County-controlled funds may be appropriated, transferred, allocated, expended, encumbered, obligated, reimbursed, or otherwise made available, directly or indirectly, for a prohibited mass surveillance system.

(b) The prohibition includes, but is not limited to:

1. Purchase, lease, rental, financing, or acquisition;
2. Subscription, license, software, database-access, network-access, or service fees;
3. Installation, construction, testing, maintenance, repair, replacement, removal, or renewal;
4. Electricity, communications, internet service, networking, cloud services, data storage, computing, or technical support;
5. Cameras, microphones, sensors, scanners, drones, poles, cabinets, foundations, signs, batteries, solar panels, wiring, communications equipment, servers, or related infrastructure;
6. Training, travel, consulting, legal, administrative, or personnel expenses;
7. Real-time alerts, retrospective searches, biometric searches, watch-list participation, hot-list participation, shared-network access, vendor-assisted searches, or analytical services;
8. Reimbursement to another governmental entity, vendor, contractor, nonprofit organization, or private person;
9. A matching contribution associated with a state, federal, private, or nonprofit grant;
10. Renewal or extension of a contract, subscription, trial, memorandum of understanding, information-sharing agreement, or other arrangement;
11. Any expenditure having the purpose or practical effect of supporting or facilitating a prohibited system.

(c) Except as provided in Section 2-501(e) and (f), no County property, County equipment, County vehicle, County drone, County communications system, County information-technology network, County software, County database, County account, County credential, County purchasing card, County employee time, or other County resource may be used to install, own, operate, host, maintain, connect, promote, or otherwise support a prohibited mass surveillance system.

(d) No County department, office, board, commission, agency, employee, official, contractor, or person acting on behalf of the County may:

1. Enter into or renew a contract, memorandum of understanding, data-contribution agreement, reciprocal hosting agreement, trial agreement, or other arrangement to acquire, own, fund, operate, administer, host, maintain, or supply locally collected surveillance information to a prohibited system;
2. Accept a donation, free trial, private grant, loaned equipment, software service, or other thing of value for the acquisition, installation, operation, hosting, maintenance, or support of a prohibited system using County property or resources;

3. Contribute County-collected surveillance information to a prohibited system or external surveillance database or network; or
 4. Do indirectly through another person or entity what this article prohibits the County from doing directly.
- (e) Each annual budget ordinance, supplemental appropriation, procurement, grant agreement, intergovernmental agreement, and departmental expenditure is subject to this section.

Sec. 2-505. Prohibition on County property.

- (a) No prohibited mass surveillance system may be installed, placed, attached, owned, operated, maintained, hosted, powered, connected, or allowed to remain on, within, above, beneath, or attached to County property.
- (b) The prohibition applies regardless of whether the system or supporting equipment is owned by:
1. The County;
 2. A County elected office;
 3. A municipality;
 4. Another county;
 5. A state or federal agency;
 6. A private vendor;
 7. A utility company;
 8. A contractor;
 9. A nonprofit organization; or
 10. Any other person or entity.
- (c) No County officer, employee, department, board, commission, agency, contractor, or other person acting on behalf of the County may issue, approve, execute, or recommend a lease, license, easement, right-of-entry agreement, attachment agreement, utility authorization, use agreement, memorandum of understanding, or other permission authorizing a prohibited system on County property.
- (d) The prohibition includes equipment that collects surveillance information for processing, identification, analysis, storage, or sharing through software or infrastructure located elsewhere.

Sec. 2-506. County road rights-of-way and encroachments.

- (a) No prohibited mass surveillance system may be installed, placed, attached, owned, operated, maintained, hosted, powered, connected, or allowed to remain within, upon, above, or beneath a County-controlled right-of-way.
- (b) The prohibition applies to a device or system attached to or supported by:
1. A County-owned pole or structure;
 2. A utility-owned pole or structure;
 3. A privately owned pole or structure;
 4. A vendor-installed pole or structure;
 5. A traffic-control device;
 6. A bridge, sign, cabinet, fixture, communications facility, or utility facility; or

7. Any other publicly or privately owned supporting infrastructure located within a County-controlled right-of-way.

(c) Ownership of a camera, microphone, sensor, scanner, device, pole, structure, communications equipment, electrical connection, or supporting infrastructure does not determine whether this section applies. Physical occupation or use of a County-controlled right-of-way is sufficient.

(d) No encroachment permit, utility authorization, attachment authorization, construction permit, right-of-entry agreement, license, lease, easement, or other permission may be issued for a prohibited system within a County-controlled right-of-way.

(e) An application involving a prohibited system shall be denied as a prohibited use and shall not be eligible for a variance, administrative exception, or staff waiver.

(f) A prohibited system installed without lawful County permission constitutes an unauthorized encroachment.

(g) This section does not assert County permitting authority over an SCDOT-maintained right-of-way or a municipal right-of-way where the County possesses no ownership, easement, maintenance responsibility, or other legal authority.

Sec. 2-507. Existing systems and removal.

(a) Within thirty days after the effective date of this article, the County Administrator, County Engineer, information-technology personnel, facilities personnel, and other appropriate County staff shall identify, to the extent reasonably ascertainable, any prohibited system:

1. Located on County property;
2. Located within a County-controlled right-of-way;
3. Supported by County-controlled funds or resources;
4. Operated, hosted, maintained, connected, or materially supported through County-owned equipment, software, networks, accounts, databases, or credentials; or
5. Operated under a County contract, permit, agreement, subscription, or authorization.

(b) The County Administrator shall consult with the County Attorney concerning any existing permit, contract, easement, property right, grant condition, or other legal obligation affecting removal or termination.

(c) Except where a different procedure is legally required, the County shall provide written notice to the owner, operator, vendor, contractor, governmental entity, utility, or other responsible person directing that:

1. County-funded or County-hosted collection, processing, analysis, transmission, and contribution to an external surveillance database or network be discontinued within ten business days after receipt of notice;
2. County-funded subscriptions, accounts, software services, and data-contribution connections be terminated within ten business days after receipt of notice; and
3. Physical devices and associated equipment be removed from County property or the County-controlled right-of-way within thirty days after receipt of notice.

(d) A revocable permit, license, authorization, or permission for a prohibited system is revoked as of the effective date of this article, subject to any notice or procedural requirement imposed by law or the applicable instrument.

(e) If a responsible person fails to remove an unauthorized device within the required period, the County may:

1. Disconnect, cover, disable, or remove the device;
2. Terminate power, communications, network, or other County-provided service;
3. Disable or terminate County-funded subscriptions, accounts, software services, or data-contribution connections;
4. Store the device for a reasonable period;
5. Recover the County's removal, storage, restoration, administrative, and legal costs;
6. Pursue injunctive or other relief; and
7. Exercise any other lawful remedy.

(f) The County shall not destroy equipment belonging to another person without legal authority and appropriate notice.

(g) Nothing in this section authorizes the unconstitutional impairment of an enforceable contract or vested property right. Where such a claim is asserted, the County Attorney shall determine the appropriate lawful procedure.

Sec. 2-508. Eligibility for discretionary County distributions.

(a) A participating governmental entity is ineligible to receive a discretionary County distribution during the period of its participation in a prohibited mass surveillance system.

(b) The ineligibility established by this section applies to:

1. General-fund appropriations;
2. Recreation funds;
3. Council-district appropriations or recommendations;
4. Capital-project assistance;
5. Economic-development grants;
6. Beautification grants;
7. Community grants;
8. Sponsorships;
9. Contributions;
10. Reimbursements;
11. County-provided in-kind assistance;
12. Use of County personnel, equipment, facilities, or property;
13. County-administered grant programs; and
14. Any other discretionary transfer of County-controlled funds or resources.

(c) No participating governmental entity may avoid ineligibility by requesting that funds be awarded to:

1. A nonprofit organization;
2. A committee;
3. A chamber of commerce;

4. A festival board;
5. A contractor;
6. A fiscal agent;
7. An affiliated entity;
8. A separate authority or commission; or
9. Another intermediary acting for, benefiting, reimbursing, or supporting the participating governmental entity.

(d) A recipient may not use County-controlled funds to pay an expense that would otherwise be paid by a participating governmental entity, thereby freeing the entity's own money for a prohibited system.

(e) This section establishes eligibility for discretionary County assistance. It does not impose a fine or require a participating governmental entity to terminate its system.

Sec. 2-509. Accommodations-tax eligibility.

(a) To the fullest extent permitted by state law, no participating governmental entity shall be eligible to receive a discretionary award, grant, allocation, sponsorship, contract, reimbursement, or distribution administered by the County from:

1. State accommodations-tax revenue allocated for tourism promotion or tourism-related expenditures under S.C. Code § 6-4-10;
2. Local accommodations-tax revenue imposed and administered under S.C. Code §§ 6-1-510 through 6-1-570;
3. Accommodations-tax revenue lawfully allocated to the County general fund and subsequently offered through a discretionary grant, contribution, sponsorship, or funding program; or
4. Any other County-administered tourism fund.

(b) No County-administered accommodations-tax award may be made for a municipally sponsored event associated with a participating municipality.

(c) Subsection (b) applies regardless of whether the named applicant or event organizer is:

1. Separately incorporated;
2. Tax exempt;
3. Governed by an independent or nominally independent board;
4. A chamber of commerce;
5. A festival committee;
6. A civic organization;
7. A contractor;
8. A fiscal agent; or
9. Otherwise legally distinct from the municipality.

(d) An event is associated with a participating municipality when that municipality provides material municipal support, including material in-kind municipal support.

(e) Police details, road closures, barricades, donated or preferential use of municipal parks or streets, public works assistance, sanitation, dedicated fire or emergency services, municipal insurance, administrative support, municipal promotion, fee waivers, utilities, equipment, and other planned

event-specific assistance shall be counted as municipal sponsorship when provided as defined in this article.

(f) The County accommodations-tax advisory committee or other advisory body shall incorporate the eligibility requirements of this article and Chapter 30, Article III, Division 2 into its application guidelines and review process.

(g) Every application must continue to be reviewed, and every expenditure must continue to satisfy the procedural and substantive tourism requirements of applicable state law.

(h) Nothing in this article:

1. Authorizes accommodations-tax money to be used for a purpose not otherwise authorized by state law;
2. Eliminates advisory-committee review required by state law;
3. Requires County Council to approve an advisory-committee recommendation;
4. Requires the County to fund every applicant or every otherwise qualifying tourism activity;
5. Affects a distribution that state law expressly and unconditionally requires the County to make to a specifically designated recipient; or
6. Authorizes the County to divert restricted accommodations-tax revenue to an unauthorized use.

(i) When an advisory committee recommends an award to an ineligible applicant, County Council may reject the recommendation and select another lawful tourism-related expenditure in accordance with state law.

(j) The independently codified provisions of Chapter 30, Article III, Division 2 shall also apply to accommodations-tax awards and shall be read consistently with this section.

Sec. 2-510. Municipally sponsored events.

(a) A municipally sponsored event associated with a participating municipality is ineligible for a discretionary County distribution.

(b) In determining whether an event is municipally sponsored, the County shall consider the totality of the financial, operational, promotional, administrative, organizational, and property relationship between the event and municipality.

(c) The following constitute municipal sponsorship when provided for the planned operation of an event:

1. Dedicated municipal police personnel or traffic control;
2. Municipal road or street closures;
3. Municipal barricades, cones, signs, or traffic-control devices;
4. Dedicated municipal fire, rescue, or emergency medical support;
5. Free, discounted, donated, or preferential use of municipal parks, streets, sidewalks, buildings, stages, parking areas, or facilities;
6. Municipal public works personnel or equipment;
7. Municipal sanitation, setup, teardown, or cleanup;
8. Municipal insurance or indemnification;
9. Municipal advertising or official promotion;
10. Municipal administrative or fiscal-agent services;

11. Waiver or absorption of fees or expenses;

12. Municipal utility service;

13. Direct municipal appropriations; or

14. Appointment or control of members of the event's board or organizing committee.

(d) An event organizer may not divide municipal support among several organizations or characterize municipal services as unrelated expenditures for the purpose or practical effect of avoiding this article.

(e) The County shall consider the fair value and operational importance of municipal support rather than merely whether the municipality issued a check to the organizer.

(f) A private event does not become municipally sponsored solely because:

1. The municipality issues an ordinary permit on the same terms applicable to similarly situated applicants;

2. The organizer pays the full published and actual cost of all municipal services and receives no preferential treatment; or

3. Municipal police, fire, rescue, or emergency medical personnel respond to an unplanned emergency.

Sec. 2-511. Applications, disclosure, and certification.

(a) Every applicant for a discretionary County distribution shall disclose:

1. Each municipality or governmental entity sponsoring or supporting the applicant, program, project, or event;

2. All municipal financial contributions;

3. All municipal in-kind support;

4. Use of municipal property;

5. Municipal personnel or equipment provided;

6. Municipal fee waivers or discounted services;

7. Municipal appointment or control of board or committee members;

8. Whether the applicant is acting as a fiscal agent, intermediary, contractor, or affiliate of a municipality;

9. Whether any participating governmental entity will directly or indirectly benefit from the requested funds; and

10. Any other information reasonably necessary to determine eligibility under this article.

(b) An applicant shall certify that:

1. The application contains a complete and accurate disclosure;

2. The requested funds will not directly or indirectly support a prohibited mass surveillance system;

3. The applicant is not being used to circumvent this article;

4. No portion of the award will be transferred, reimbursed, credited, or otherwise provided to an ineligible entity except for an arm's-length payment for lawful goods or services unrelated to a prohibited system; and

5. The applicant will notify the County of any material change in eligibility before final payment or expenditure.
- (c) The certification shall be incorporated into the grant agreement, contract, award letter, reimbursement agreement, or other instrument governing the distribution.
- (d) The County may require documentation establishing the actual cost or fair value of municipal in-kind support.
- (e) A materially false, incomplete, or misleading certification constitutes grounds for:
 1. Denial of the application;
 2. Suspension or termination of the award;
 3. Withholding of unpaid funds;
 4. Repayment of funds already disbursed;
 5. Recovery of collection and legal costs where authorized by law;
 6. Ineligibility for future discretionary County distributions for up to three years; and
 7. Any other remedy available under the grant agreement or applicable law.
- (f) Before imposing a period of future ineligibility, the County shall provide written notice of the alleged violation and a reasonable opportunity for the applicant to respond.

Sec. 2-512. Eligibility determinations and cure.

- (a) The County Administrator shall maintain a list of governmental entities determined to be participating governmental entities.
- (b) Before placing an entity on the list, the County Administrator shall provide written notice stating the factual basis for the proposed determination and allow the entity at least fifteen business days to submit responsive information.
- (c) The County Administrator shall issue a written determination following consideration of the available information.
- (d) An affected entity may appeal the determination to County Council by filing written notice with the Clerk to Council within fifteen business days.
- (e) County Council may affirm, reverse, or modify the determination following consideration at a public meeting.
- (f) An entity's ineligibility ends when the County determines that the entity has satisfied either of the following:
 1. Terminated the conduct that caused it to be a participating governmental entity, including termination of applicable contracts or subscriptions, removal of applicable devices from property under its control, withdrawal from external surveillance databases and networks, cessation of locally collected data contributions and material operational support, and submission of a certification and supporting documentation reasonably satisfactory to the County; or
 2. Reconfigured the system so that it qualifies for an exclusion under Section 2-503 or otherwise no longer constitutes a prohibited mass surveillance system, as verified by documentation reasonably satisfactory to the County.
- (g) Eligibility may be restored prospectively. Restoration does not require the County to reconsider an application or award previously denied, nor does it create an entitlement to future funding.

Sec. 2-513. Anti-circumvention.

(a) No person or entity may knowingly structure, divide, route, relabel, reimburse, transfer, or administer a transaction for the purpose or practical effect of avoiding this article.

(b) The County shall evaluate the substance and economic reality of a transaction, relationship, sponsorship, or arrangement rather than its nominal form.

(c) Prohibited circumvention includes:

1. Routing an application through a separate nonprofit organization or committee;
2. Naming a fiscal agent as the recipient while an ineligible entity controls or materially benefits from the funds;
3. Using County funds for event expenses ordinarily paid by a participating municipality;
4. Transferring County-funded equipment, services, or reimbursements to an ineligible entity;
5. Dividing one project into separate applications;
6. Characterizing material municipal support as routine permitting when it provides event-specific operational assistance;
7. Omitting or materially undervaluing municipal in-kind support;
8. Using a vendor, utility, contractor, or other governmental entity to install or operate a prohibited system on County property or in a County-controlled right-of-way.

Sec. 2-514. Administration and annual reporting.

(a) The County Administrator, County Attorney, Finance Director, Procurement Director, County Engineer, Parks, Recreation and Tourism Director, information-technology personnel, and other appropriate staff shall implement this article within their respective areas of responsibility.

(b) County procurement documents, grant guidelines, applications, contracts, sponsorship agreements, accommodations-tax materials, information-technology policies, and encroachment-permit procedures shall be revised as necessary to implement this article.

(c) At least annually, the County Administrator shall provide County Council with a report identifying:

1. Known prohibited systems on County property or County-controlled rights-of-way;
2. County-funded contracts, subscriptions, hosting arrangements, and data-contribution arrangements reviewed under this article;
3. Participating governmental entities;
4. Applications denied under this article;
5. Certifications and disclosures received;
6. Removal or enforcement activity;
7. Eligibility restorations; and
8. Recommended administrative or legislative changes.

(d) No report required by this section shall disclose information that is confidential under state or federal law.

Sec. 2-515. Enforcement and remedies.

(a) The County may enforce this article through any lawful remedy, including:

1. Denial or revocation of a permit or authorization;
2. Termination or nonrenewal of a contract, subscription, account, or agreement;
3. Suspension or denial of a County payment;
4. Removal of an unauthorized encroachment;
5. Recovery of removal, restoration, storage, and administrative costs;
6. Repayment or contractual recovery of grant funds;
7. Injunctive or declaratory relief;
8. Disqualification from discretionary County funding; and
9. Any other civil, contractual, administrative, or equitable remedy authorized by law.

(b) The County Attorney is authorized to seek injunctive relief and other civil, contractual, administrative, or equitable remedies in a court of competent jurisdiction.

(c) Grant ineligibility under this article is an eligibility condition and not a criminal penalty.

Sec. 2-516. Savings and limitations.

(a) Nothing in this article shall be construed to:

1. Direct the handling or outcome of a particular criminal investigation;
2. Prevent an officer or other person from directly observing a person, vehicle, object, or activity in public;
3. Prevent a law-enforcement officer from searching, querying, requesting, receiving, analyzing, or using lawfully available information during a lawful traffic stop, emergency, search-and-rescue operation, or particularized investigation, including pursuant to individualized judicial authorization, solely because the information was collected by a prohibited mass surveillance system, provided the officer's jurisdiction does not own, fund, contract for, operate, host, maintain, or contribute locally collected surveillance information to that system in violation of this article;
4. Regulate an ordinary private camera located entirely on private property outside County property and County-controlled rights-of-way;
5. Assert County control over an SCDOT or municipal right-of-way where the County has no legal authority;
6. Require withholding of money that the County is expressly and unconditionally required by state or federal law, final court order, binding bond covenant, or preexisting enforceable contract to distribute;
7. Authorize the expenditure of restricted funds for an unauthorized purpose;
8. Prohibit compliance with a valid court order directed to the County;
9. Alter a duty expressly imposed upon an elected official by general state law; or
10. Prevent the County from taking actions necessary to protect its legal interests or comply with controlling law.

(b) Nothing in this article creates a private cause of action against the County, County Council, a County employee, or a County official.

(c) No person or entity possesses a vested right to receive a future discretionary County distribution.

- (d) Where application of a particular provision would be preempted by controlling state or federal law, that provision shall be limited only to the minimum extent necessary to avoid preemption.
- (e) This article shall be construed consistently with any subsequently enacted state statutory framework governing the technologies addressed herein and shall yield to the extent, and only to the extent, of any direct conflict.

SECTION 2. CHAPTER 30 ACCOMMODATIONS-TAX CODIFICATION

Chapter 30, Article III, of the Oconee County Code of Ordinances is amended by adding a new Division 2, beginning with Section 30-111, to read as follows:

DIVISION 2. MASS SURVEILLANCE ELIGIBILITY RESTRICTIONS FOR COUNTY-ADMINISTERED ACCOMMODATIONS-TAX FUNDS

Sec. 30-111. Purpose and applicability.

(a) The purposes of this division are to:

1. Prevent County-administered accommodations-tax funds from being used directly or indirectly to acquire, own, fund, operate, maintain, host, support, or subsidize prohibited mass surveillance systems;
2. Establish prospective and uniform eligibility requirements for discretionary County-administered accommodations-tax awards;
3. Protect the privacy, liberty, freedom of movement, freedom of association, and other rights of Oconee County residents and visitors;
4. Prevent municipalities from circumventing County funding restrictions through separate committees, nonprofit organizations, festival boards, chambers of commerce, fiscal agents, contractors, or affiliated entities; and
5. Ensure that County-administered tourism funds are expended consistently with County policy and applicable state law.

(b) This division applies to discretionary accommodations-tax funds administered, allocated, awarded, or expended by the County, including:

1. The County of Oconee Local Accommodations Tax Special Revenue Fund;
2. State accommodations-tax funds administered by the County for tourism promotion or tourism-related expenditures;
3. Accommodations-tax revenue lawfully allocated to the County general fund and subsequently offered through a discretionary grant, sponsorship, contribution, or award program; and
4. Any other discretionary County-administered tourism fund derived in whole or in part from accommodations-tax revenue.

(c) This division does not authorize an expenditure for a purpose not otherwise authorized by state law.

(d) This division does not require the County to withhold a distribution that state law expressly and unconditionally requires the County to make to a specifically designated recipient.

(e) This division applies prospectively to applications, awards, contracts, renewals, and authorizations submitted, made, or arising on or after the effective date of the ordinance enacting this

division. No accommodations-tax award approved before the effective date shall be rescinded solely on the basis of this division.

Sec. 30-112. Definitions.

(a) The definitions contained in Chapter 2, Article VII, Protection from Mass Surveillance, are incorporated into this division and shall have the same meanings when used herein.

(b) For purposes of this division, “County-administered accommodations-tax funds” means accommodations-tax revenue over which County Council possesses lawful discretion to select a recipient, event, program, project, expenditure, contract, grant, sponsorship, reimbursement, or other use.

(c) Where a term contained in this division conflicts with a definition contained in Division 1 of this article, the more specific definition applicable to mass surveillance eligibility shall govern solely for purposes of this division.

Sec. 30-113. Prohibited expenditures.

(a) No County-administered accommodations-tax funds may be appropriated, awarded, transferred, allocated, expended, encumbered, reimbursed, or otherwise made available, directly or indirectly, for a prohibited mass surveillance system.

(b) The prohibition includes:

1. Purchase, lease, rental, subscription, financing, or acquisition;
2. Installation, construction, testing, maintenance, repair, replacement, or renewal;
3. Software, artificial-intelligence, database, cloud, network, storage, communications, or access fees;
4. Cameras, microphones, sensors, scanners, drones, poles, equipment, electricity, communications, networking, or related infrastructure;
5. Training, personnel, consulting, legal, administrative, or operational expenses;
6. A matching contribution associated with an outside grant;
7. Reimbursement to a municipality, governmental entity, vendor, contractor, nonprofit organization, or other person; and
8. Any expenditure having the purpose or practical effect of supporting, facilitating, subsidizing, or freeing other funds for a prohibited mass surveillance system.

(c) No applicant or recipient may use County-administered accommodations-tax funds to pay an expense ordinarily paid by a participating governmental entity when doing so would enable or free the participating entity to direct its own funds toward a prohibited mass surveillance system.

Sec. 30-114. Ineligible applicants, recipients, and events.

(a) A participating governmental entity is ineligible to receive a discretionary award of County-administered accommodations-tax funds during the period of participation.

(b) A municipally sponsored event associated with a participating municipality is ineligible to receive a discretionary award of County-administered accommodations-tax funds during the period of participation.

(c) Subsection (b) applies regardless of whether the named applicant or organizer is:

1. Separately incorporated;

2. Tax exempt;
3. Governed by an independent or nominally independent board;
4. A nonprofit organization;
5. A chamber of commerce;
6. A festival committee;
7. A civic organization;
8. A contractor;
9. A fiscal agent; or
10. Otherwise legally distinct from the participating municipality.

(d) A participating municipality may not avoid ineligibility by requesting that funds be paid to an intermediary, affiliated organization, contractor, committee, nonprofit organization, festival board, chamber of commerce, or fiscal agent.

(e) The substance and economic reality of the relationship between the municipality, applicant, recipient, and event shall control over legal form or nominal independence.

Sec. 30-115. Municipal sponsorship and in-kind support.

(a) For purposes of this division, material in-kind municipal support constitutes municipal sponsorship.

(b) Municipal sponsorship includes:

1. Dedicated police details, security, or traffic control;
2. Road or street closures;
3. Barricades, cones, signs, detours, or traffic-control devices;
4. Dedicated fire, rescue, emergency medical, or emergency-management support;
5. Free, donated, discounted, or preferential use of municipal parks, streets, sidewalks, buildings, stages, parking areas, or facilities;
6. Public works labor, vehicles, equipment, setup, teardown, or logistical assistance;
7. Sanitation, waste collection, portable restroom service, or cleanup;
8. Municipal insurance, indemnification, contracting, purchasing, or fiscal-agent services;
9. Municipal advertising, promotion, printing, signage, website placement, or social-media support;
10. Municipal administrative or planning assistance;
11. Waiver, reduction, reimbursement, or absorption of fees or expenses;
12. Municipal electricity, water, communications, or utility service;
13. Direct municipal appropriations; or
14. Municipal appointment or control of members of an event board or organizing committee.

(c) The County shall consider the fair value and operational importance of municipal support rather than merely whether the municipality issued a monetary payment.

(d) An otherwise private event shall not become municipally sponsored solely because:

1. The municipality issues an ordinary permit on the same terms applicable to similarly situated applicants;

2. The organizer pays the full published and actual cost of all municipal services and receives no preferential treatment; or
 3. Municipal police, fire, rescue, or emergency medical personnel respond to an unplanned emergency.
- (e) Planned, dedicated, donated, discounted, preferential, or event-specific municipal assistance constitutes municipal sponsorship.

Sec. 30-116. Applications, disclosure, and certification.

- (a) Every applicant for County-administered accommodations-tax funds shall disclose:
1. Each municipality or governmental entity sponsoring, supporting, funding, organizing, or promoting the applicant, project, program, or event;
 2. All direct municipal financial contributions;
 3. All anticipated or received municipal in-kind support;
 4. Use of municipal streets, parks, sidewalks, buildings, stages, parking areas, or other property;
 5. Municipal personnel, equipment, security, traffic control, public works, sanitation, emergency services, utilities, insurance, administrative support, advertising, or promotion;
 6. Municipal fee waivers, discounts, reimbursements, or absorbed expenses;
 7. Municipal appointment or control of board or committee members;
 8. Whether the applicant is acting as a fiscal agent, intermediary, contractor, or affiliate of a municipality;
 9. Whether a participating governmental entity will directly or indirectly benefit from the requested award; and
 10. Any other information reasonably necessary to determine eligibility.
- (b) Every applicant shall certify that:
1. Its disclosures are complete and accurate;
 2. The requested funds will not directly or indirectly support a prohibited mass surveillance system;
 3. The applicant is not being used to circumvent this division or Chapter 2;
 4. No portion of an award will be transferred, reimbursed, credited, or otherwise provided to an ineligible recipient, except through an arm's-length payment for lawful goods or services unrelated to a prohibited system; and
 5. The applicant will report any material change affecting eligibility before final payment or expenditure.
- (c) The County may require an applicant to calculate and disclose the estimated fair value of municipal in-kind support.
- (d) The certifications required by this section shall be incorporated into every applicable grant agreement, contract, award letter, reimbursement agreement, or other funding instrument.
- (e) A materially false, incomplete, or misleading application, disclosure, or certification constitutes grounds for:
1. Denial;
 2. Suspension or termination of an award;
 3. Withholding of unpaid funds;

4. Repayment of funds already disbursed;
5. Recovery of collection and legal expenses where permitted;
6. Ineligibility for future discretionary County awards for up to three years; and
7. Any other remedy authorized by the funding agreement or applicable law.

(f) Before imposing a period of future ineligibility, the County shall provide written notice and a reasonable opportunity to respond.

Sec. 30-117. Advisory review and County Council action.

(a) The County accommodations-tax advisory committee or other advisory body shall incorporate the eligibility requirements of this division and Chapter 2 into its application guidelines and review process.

(b) Every application required by state law to receive advisory review shall continue to receive such review.

(c) The advisory body shall not recommend an award to an applicant determined to be ineligible under this division.

(d) County Council shall consider advisory recommendations in accordance with state law and shall take final action upon proposed expenditures.

(e) When an advisory body recommends an award to an ineligible applicant, County Council may reject the recommendation and select another lawful tourism-related expenditure.

(f) Nothing in this division requires County Council to fund every applicant, project, program, event, or activity that may otherwise satisfy a statutory tourism category.

(g) All expenditures from the County of Oconee Local Accommodations Tax Special Revenue Fund remain subject to approval by County Council under § 30-85.

Sec. 30-118. Determinations, cure, anti-circumvention, and enforcement.

(a) The eligibility determination, notice, appeal, cure, anti-circumvention, administration, and enforcement provisions of Chapter 2, Article VII, apply to this division.

(b) An entity's ineligibility ends when the County determines that the entity has satisfied either of the following:

1. Terminated the conduct that caused it to be a participating governmental entity, including termination of applicable contracts or subscriptions, removal of applicable devices from property under its control, withdrawal from external surveillance databases and networks, cessation of locally collected data contributions and material operational support, and submission of a certification and supporting documentation reasonably satisfactory to the County; or
2. Reconfigured the system so that it qualifies for an exclusion under Section 2-503 or otherwise no longer constitutes a prohibited mass surveillance system, as verified by documentation reasonably satisfactory to the County.

(c) Eligibility shall be restored prospectively following written County approval.

(d) Restoration does not create an entitlement to an award, require reconsideration of a previously denied application, or require displacement of another approved recipient.

(e) No applicant, recipient, municipality, or other person may structure, route, divide, relabel, transfer, reimburse, or administer a transaction for the purpose or practical effect of avoiding this division.

(f) The County shall evaluate the substance and economic reality of a transaction and relationship rather than its nominal form.

(g) Nothing in this division:

1. Authorizes accommodations-tax revenue to be expended for a purpose not permitted by state law;
2. Eliminates advisory review, reporting, accounting, segregation, expenditure deadlines, or other requirements imposed by state law;
3. Requires withholding of a payment that state law expressly and unconditionally requires the County to distribute to a specifically designated recipient; or
4. Prevents application of the remaining provisions to other discretionary accommodations-tax funds if application to a particular category is found to conflict with controlling law.

(h) This division shall be construed consistently with any subsequently enacted state statutory framework governing the technologies addressed herein and shall yield to the extent, and only to the extent, of any direct conflict.

SECTION 3. CHAPTER 26 CONFORMING AMENDMENT

Chapter 26 of the Oconee County Code of Ordinances is amended by adding a new Article IV, entitled “Mass Surveillance Encroachments,” consisting of Section 26-201, to read as follows:

ARTICLE IV. MASS SURVEILLANCE ENCROACHMENTS

Sec. 26-201. Prohibited mass surveillance encroachments.

(a) The definitions contained in Chapter 2, Article VII, Protection from Mass Surveillance, are incorporated into this section.

(b) No prohibited mass surveillance system may be installed, placed, attached, owned, operated, maintained, hosted, powered, connected, or allowed to remain within, upon, above, or beneath a County-owned, County-maintained, or County-controlled road, street, bridge, shoulder, median, drainage area, sidewalk, easement, or right-of-way.

(c) The prohibition applies to systems attached to or supported by:

1. County-owned poles or structures;
2. Utility-owned poles or structures;
3. Privately owned poles or structures;
4. Vendor-installed poles or structures;
5. Traffic-control devices;
6. Bridges, signs, cabinets, fixtures, utility facilities, or communications facilities; or
7. Other publicly or privately owned infrastructure located within the County-controlled right-of-way.

(d) Ownership of the camera, microphone, sensor, scanner, device, pole, structure, communications equipment, electrical connection, or supporting infrastructure does not determine whether this section applies.

(e) No encroachment permit, attachment authorization, utility authorization, construction permit, license, lease, easement, right-of-entry agreement, or other County permission may be issued for a prohibited mass surveillance system.

(f) An application involving a prohibited mass surveillance system shall be denied as a prohibited use and shall not be eligible for an administrative waiver, exception, or variance.

(g) A prohibited system installed without authorization or remaining after revocation, termination, or expiration of authorization constitutes an unauthorized encroachment and is subject to removal and enforcement under Chapters 2 and 26.

(h) This section does not assert County authority over an SCDOT or municipal right-of-way where the County possesses no ownership interest, easement, maintenance responsibility, or other legal authority.

SECTION 4. IMPLEMENTATION

(a) Within thirty days after the effective date of this Ordinance, the County Administrator shall direct all County departments and offices subject to County Council's lawful administrative authority to identify:

1. Existing County-funded or County-administered contracts, subscriptions, permits, memoranda of understanding, data-contribution agreements, hosting arrangements, and other arrangements involving mass surveillance technology;
2. Cameras, microphones, sensors, scanners, drones, equipment, or other devices located on County property or within County-controlled rights-of-way that may participate in a prohibited mass surveillance system;
3. County expenditures supporting such systems;
4. County-owned equipment, software, networks, databases, accounts, or credentials used to operate, host, maintain, connect, or contribute locally collected information to such systems; and
5. Pending applications for discretionary County distributions involving participating governmental entities or municipally sponsored events.

(b) Within sixty days after the effective date, the County Administrator shall present County Council with an implementation report.

(c) County staff shall revise County grant, recreation-fund, accommodations-tax, sponsorship, procurement, contracting, information-technology, property-use, and encroachment-permit documents before the next applicable application, procurement, renewal, or award cycle.

(d) The County Administrator shall cause the permanent substantive provisions of Sections 1, 2, and 3 to be submitted for codification in Chapters 2, 30, and 26, respectively.

SECTION 5. EXISTING OBLIGATIONS

Nothing in this Ordinance shall be interpreted to impair a binding contract, bond covenant, vested property right, final court order, or mandatory distribution in violation of controlling law.

The County Attorney shall review any claimed existing obligation and advise County Council and County staff concerning the lawful method of termination, nonrenewal, disconnection, removal, or compliance.

No County-funded contract, permit, subscription, data-contribution agreement, hosting agreement, memorandum of understanding, or other arrangement may be renewed, extended, expanded, or materially modified in a manner inconsistent with this Ordinance.

SECTION 6. SEVERABILITY

Should any section, subsection, paragraph, sentence, clause, phrase, definition, application, or provision of this Ordinance be declared unconstitutional, preempted, invalid, or unenforceable by a court of competent jurisdiction, the remaining portions shall remain in full force and effect.

County Council declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause, phrase, definition, application, and provision independently of any portion subsequently declared invalid or unenforceable.

If application of the accommodations-tax provisions to a particular category of revenue or recipient is declared invalid, the remaining restrictions concerning other accommodations-tax revenues, County general funds, recreation funds, grants, County property, County-controlled rights-of-way, County contracts, County personnel, information-technology systems, and other County resources shall remain in effect.

SECTION 7. CONFLICTING PROVISIONS

All ordinances, resolutions, policies, practices, contracts, approvals, permits, or actions of the County inconsistent with this Ordinance are repealed, revoked, rescinded, or superseded only to the extent of the inconsistency and only to the extent permitted by law.

SECTION 8. CODIFICATION

The Clerk to Council and the County's codifier are authorized to:

1. Make any technical adjustments to article, division, and section numbering that are necessary to conform to the Code, without changing the substantive codification placements specified herein;
2. Correct typographical and grammatical errors;
3. Update cross-references;
4. Format the provisions consistently with the Oconee County Code of Ordinances; and
5. Make other nonsubstantive changes necessary for codification.

No codification change may alter the meaning or substantive effect of this Ordinance.

Sections 1, 2, and 3 are expressly intended to be permanent provisions of the Oconee County Code of Ordinances and shall be codified in Chapters 2, 30, and 26, respectively.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption following the required readings and public hearing, except that:

The funding-eligibility, grant, award, contract, renewal, and authorization provisions of this Ordinance apply prospectively to applications, awards, contracts, renewals, permits, and

authorizations submitted, made, or arising on or after the effective date. No discretionary award approved before the effective date shall be rescinded solely on the basis of this Ordinance. This prospective-application provision does not limit the existing-system, County-property, County-right-of-way, nonrenewal, or existing-obligations provisions of this Ordinance.

1. Existing-system identification shall occur within thirty days;
2. Required application and administrative forms shall be revised within sixty days or before the next applicable funding cycle, whichever occurs first; and
3. Removal, disconnection, termination, or disabling of existing systems shall proceed according to the notice, cure, contractual, property-right, and legal-review provisions contained herein.

ORDAINED in meeting, duly assembled, this ____ of _____, 2026.

ATTEST:

Jennifer C. Adams
Clerk to Oconee County Council

Matthew Durham
Chair, Oconee County Council

First Reading: August 18, 2026
Second Reading: September 01, 2026
Third Reading: September 15, 2026
Public Hearing: September 15, 2026