

ARTICLE B
Fireworks

State Law Reference: Fireworks and explosives, S.C. Code, Sec. 23-25-10 et seq.

Sec. 7- Use and sale within city generally.

It shall be unlawful for any person to use, fire, shoot, discharge, sell, offer for sale, store, exchange, give away or have in his possession any fireworks of any kind within the city, except as provided in sections 7-4-12 and 7-4-13. (Code 1978, Sec. 7-4011)

Sec. 7-4-12 Permissive fireworks.

Permissible fireworks are those permitted under section 2335-10 of the 1976 South Carolina Code, designated as ICC Class C Common Fireworks. In the event that the foregoing permitted items or any of them should subsequently be outlawed by state law, they shall also be eliminated from the permitted category contained in this article. (Code 1978, Sec. 7-4012)

Sec. 7-4-13 Permit and license required for public displays or exhibits.

(a) It shall be lawful for any person to use fireworks in public displays or exhibits; provided, that he shall first have obtained a written permit therefor from the council and mayor, and a license, subject to any restrictions, limitations or precautionary conditions which may be prescribed. The granting or refusal of any permit, as well as the terms thereof, shall be in the absolute discretion of the council and mayor.

(b) The license for a public fireworks display shall be \$100; provided, that the mayor may reduce the amount in the case of charitable institutions or community projects. (Code 1978, Sec. 7-4013)

Sec. 7-4-14 License required for sale; sales prohibited on public property.

No person shall sell, order for sale, barter or store any of the fireworks permitted by section 7-4-12 without first obtaining a license from the city in an amount and on the terms and conditions as prescribed by state law and the city license ordinance. The sale of permitted fireworks is absolutely prohibited on the streets, sidewalks or other public property.

Sec. 7-4-15 Certain acts prohibited.

It shall be unlawful, in the city, to:

(1) Offer for sale or sell permissible fireworks to children under the age of 14 years unless accompanied by a parent.

(2) Explode or ignite fireworks within 600 feet of any church, hospital, asylum or public school.

(3) Explode or ignite fireworks within 75 feet of where fireworks are stored, sold or offered for sale.

(4) Ignite or discharge any permissible fireworks within or throw fireworks from any vehicle.

(5) Place or throw any ignited fireworks into or at any motor vehicle.

(6) Ignite or explode fireworks in any public gathering or at any public assemblage. Public gathering or public assemblage as used in this section, shall, in addition to the usual and accepted meaning and without in any way limiting the comprehensive terms, include parades, parking lots used by the general public, whether of public or private ownership, drive-ins, stores, shopping centers, theatres, public entertainments or public displays.

(7) Ignite, explode or discharge any fireworks within 200 feet of limits of the Christmas Wonderland display.

(8) Ignite, explode or discharge any fireworks in a garage, filling station, warehouse, storage area or other location at which gasoline, oil, gas, cotton, hay or other inflammable materials are displayed, sold, utilized or stored. (Code 1978, Sec. 7-4015)

(9) Ignite, explode or discharge any fireworks during any state declared Red Flag Alert or Governor's Burning Ban.

(10) Ignite, explode or discharge any fireworks on property not owned or under the control of the person(s) igniting, exploding or discharging the fireworks.<">Except that the owner of record may grant permission for the express use of said property to ignite, explode or discharge fireworks.

(11) Ignite, explode or discharge any fireworks which land on property not owned or under the control of the person(s) igniting, exploding or discharging the fireworks.

(12) It shall be unlawful for any person to fail to collect and safely dispose of any spend component of an exploded or discharged firework, whether on public or private property.

Sec. 7-4-16 Violations of article.

In the case of sales of fireworks or in the case of shooting of fireworks in violation of this article, each separate act of sale or of shooting shall be considered as a separate offense, and punishable as such. (Code 1978, Sec. 7-4016)

Sec. 7-4-17 Revocation of licenses for violations of article.

If any licensee violates the provisions of this article, his license shall be forfeited, without refund of the license fee, and if the licensee has more than one (1) outlet or establishment at which lawful fireworks may have been authorized, the violation of the terms and provisions of this article at any one (1) outlet or place of business shall automatically terminate the license as to all outlets or places of business which may have been licensed in the name of that person. (Code 1978, Sec. 7-4017)

Sec. 7-18 Seizure and destruction of prohibited fireworks.

Any police officer of the city or any other duly authorized law officer, while within the city limits, shall have the power to seize and take in possession any fireworks which are forbidden by this article, and he shall turn them over to the city police department, where they may be summarily destroyed as in the case of contraband. (Code 1978, Sec. 7-4018)

Sec. 7-19 Article supplemental to state law.

This article is supplemental to and in addition to the state law on the subject of fireworks. (Code 1978, Sec. 7-4019)

Secs. 7-4-20 through 7-4-30 reserved.

Sec. 9-1-21 Noise

(h) Exceptions. The following are exempt from the provisions above:

(16) Fireworks on July 4 and December 31 until 12:30 a.m.