

ORDINANCE NO. 2025-3

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
TOWN OF MCCLELLANVILLE)

AN ORDINANCE REGULATING THE USE
OF FIREWORKS WITHIN THE CORPORATE
LIMITS OF THE TOWN OF MCCLELLANVILLE
SOUTH CAROLINA

WHEREAS, the South Carolina Code of Laws, Title 23, Chapter 35, authorizes municipalities to regulate the time and place of fireworks discharge within their corporate limits; and

WHEREAS, South Carolina Code Section 23-35-175 specifically authorizes local governing bodies to establish Fireworks Prohibited Zones and regulate the times when fireworks may be discharged; and

WHEREAS, the Town Council finds that reasonable regulations on the time, place, and manner of fireworks discharge are necessary to protect the public health, safety, and welfare of residents while preserving the lawful enjoyment of fireworks; and

WHEREAS, such regulations are necessary to prevent fires, protect property, minimize noise disturbances, and ensure public safety.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of McClellanville, South Carolina:

I. DEFINITIONS

For purposes of this ordinance, the following terms shall have the meanings set forth below:

"Fireworks" means consumer fireworks as defined by South Carolina Code Section 40-56-20, including but not limited to aerial devices, ground devices, sparklers, and other pyrotechnic devices legal for consumer purchase and use under South Carolina law.

"Fireworks Prohibited Zone" means property designated through the processes established in South Carolina Code Section 23-35-175 as an area in which fireworks are prohibited from being knowingly and willfully discharged.

"Person" means any individual, firm, corporation, association, partnership, company, or other legal entity.

"Private property" means real property owned or controlled by a private individual or entity, including residential and commercial property.

"Public property" means all property owned or controlled by the Town or other governmental entity, including but not limited to streets, sidewalks, parks, recreation facilities, and municipal buildings.

II. PERMITTED TIMES FOR FIREWORKS DISCHARGE

- A. Fireworks may only be discharged on private property within the corporate limits, subject to the consent of the property owner or person in lawful control of the property, on the following holidays,

Independence Day (July 4th) from 6:00 pm to 10:00 pm, and

New Year's Eve (December 31st) from 6:00 pm to 1:00 am on January 1.

- B. No person shall discharge fireworks during any time not specified above.

III. PROHIBITED LOCATIONS

No person shall discharge fireworks:

- A. On any public property, including but not limited to streets, sidewalks, parks, recreation facilities, or municipal buildings, except as specifically authorized by permit pursuant to Section 7 of this ordinance;
- B. Within any Fireworks Prohibited Zone established pursuant to South Carolina Code Section 23-35-175;
- C. Within 500 feet of any church, hospital, nursing home, or assisted living facility;
- D. Within 300 feet of any school property or childcare facility;
- E. Within 200 feet of any gas station or business where flammable materials are stored or sold;
- F. On any property without the express permission of the property owner or person in lawful control of the property.

The distance restrictions in Section III shall be measured from the property line of the protected facility to the point of fireworks discharge.

IV. SAFETY REQUIREMENTS

- A. No person shall discharge fireworks:

1. In a manner that endangers persons or property;

2. Toward any person, animal, building, structure, or vehicle;
3. From or within any motor vehicle;
4. While under the influence of alcohol or controlled substances;
5. In areas with dry vegetation or other fire hazards during periods of high fire danger as determined by the Fire Marshal.

B. All persons discharging fireworks shall:

1. Maintain adequate water supply or fire extinguishing equipment readily available;
2. Ensure adequate clearance from buildings, vehicles, and vegetation;
3. Properly dispose of spent fireworks by soaking in water and placing in non-combustible containers.

V. FIREWORKS PROHIBITED ZONES

- A. Property owners may establish Fireworks Prohibited Zones in accordance with the procedures set forth in South Carolina Code Section 23-35-175.
- B. Applications for extension of Fireworks Prohibited Zones to public property shall be processed in accordance with South Carolina Code Section 23-35-175(E), including the required public hearing and notice procedures.
- C. The Town Council may, by resolution, establish additional Fireworks Prohibited Zones on public property after following the notice and hearing procedures required by law.
- D. All Fireworks Prohibited Zones shall be clearly marked with signs measuring not less than twelve inches by twelve inches, bearing the inscription "DISCHARGE OF FIREWORKS PROHIBITED - VIOLATORS WILL BE PROSECUTED," in accordance with South Carolina Code Section 23-35-175.

VI. EXEMPTIONS

This ordinance shall not apply to:

- A. Professional fireworks displays conducted pursuant to a valid permit issued by the Town and in compliance with all applicable state and local laws;
- B. Authorized public displays conducted by or on behalf of the Town;
- C. Fireworks used for agricultural purposes, such as bird and wildlife control, when conducted in accordance with manufacturer instructions and applicable safety standards.

VII. PERMITS FOR PUBLIC DISPLAYS

- A. Any person desiring to conduct a public fireworks display within the corporate limits shall first obtain a permit from the Town.
- B. Permit applications shall be submitted at least thirty (30) days prior to the proposed display and shall include:
 - i. Detailed description of the proposed display;
 - ii. Location, date, and time of the display;
 - iii. Proof of liability insurance in an amount not less than \$1,000,000;
 - iv. Copy of any required state permits or licenses;
 - v. Safety plan and crowd control measures;
 - vi. Such other information as may be required by the Fire Marshal.
- C. Permits may be granted upon finding that the proposed display complies with all applicable safety standards and will not create an undue risk to public safety or property or constitute a nuisance.

VIII. ENFORCEMENT AND PENALTIES

- A. This ordinance may be enforced by any duly authorized law enforcement officer, code enforcement officer, or other designated municipal official.
- B. Violations of this ordinance shall be civil infractions subject to the following penalties: Fine not exceeding \$500.
- C. Each discharge of a firework in violation of this ordinance shall constitute a separate offense.
- D. In addition to monetary penalties, violators may be required to:
 - i. Immediately cease the prohibited activity;
 - ii. Surrender any remaining fireworks to authorities;
 - iii. Pay restitution for any property damage caused.
- E. Civil penalties imposed under this ordinance are in addition to any criminal penalties that may be imposed under state law.

IX. NOISE REGULATIONS

The discharge of fireworks shall be subject to the Town's general noise ordinance, except during the permitted times specified in Section 2 of this ordinance, when fireworks discharge shall be considered exempt from general noise restrictions.

X. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

SIGNED, SEALED AND DELIVERED this _____ day of September 2025.

Rutledge B. Leland, III, Mayor
Town of McClellanville

ATTEST:

Clerk of Council

_____, 2025

Adopted at Council meeting: _____, 2025

Approved as to form:

W. Andrew Gowder, Jr.,
Town Attorney