

ORDINANCE NO. 2019-1

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
TOWN OF MCCLELLANVILLE) AN ORDINANCE TO AMEND
SECTION 6.201.1 TO ALLOW THE DISCHARGE
OR SHOOTING OF FIREWORKS ON THE 25TH
OF DECEMBER BETWEEN THE HOURS
OF 6 P.M. AND 10 P.M.

WHEREAS, The Town of McClellanville (the "Town") passed Ordinance 6.201, 6.201.1
AND 6.201.2 prohibiting the use of fireworks in the municipality; and

WHEREAS, Section 23-35-175 of South Carolina Code of Laws authorizes private
properties to create "Fireworks Prohibited Zones" and allows counties and municipalities to
extend these "Fireworks Prohibited Zones" certain distances beyond such properties onto public
property; and

WHEREAS, Town Council desires to repeal and replace their current prohibition with an
ordinance commensurate with State law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the
Town of McClellanville, in Council assembled, that Section 2.201, 2.201.1 and 2.201.2
shall be repealed and replaced to read as follows:

Section 6.201.1. Use of Fireworks.

(A)

It shall be unlawful for any person or persons to light, fire, ignite or discharge fireworks within
the corporate limits of the Town, except as provided in subsection (b) of this section. For the
purposes of this section and the remaining sections of this section, "fireworks" means fireworks
as defined by State statutory law including S.C. Code Section 23-35-175 and ICC Class C
Common Fireworks as described therein.

(B)

Exceptions:

(1)

All town sponsored events are exempt from the provisions of subsection (a) including
pyrotechnic companies hired by the town for enjoyment purposes. All pyrotechnic companies

shall comply with any and all federal, state and municipal regulations as far as licensing, insurance and permits.

(2)

The discharging or shooting of fireworks on the 4th of July between the hours of 6:00 p.m. and 10:00 p.m., unless drought conditions exist, and a red flag warning has been issued for the town.

(3)

The discharging or shooting of fireworks on the 25th of December between the hours of 6:00 p.m. and 10:00 p.m.

(4)

The discharging or shooting of fireworks between the hours of 6:00 p.m. on December 31 and 1:00 a.m. on January 1.

(5)

The discharging or shooting of fireworks in conjunction with a special event to the extent allowed under the terms of the permit issued by town hall, with approval given by Council.

(6)

The provisions of this section shall not include nor prevent the possession or use of toy cap pistols and toy pistol paper caps which contain no more than twenty hundredths (0.20) of a grain of explosive mixture and fireworks known as sparklers. The use and possession of such toy cap pistols, toy pistol caps and sparklers shall be permitted at all times.

(C)

Nothing contained in subsection (a) shall be construed as prohibiting the use of signals necessary for the safe operation of buses, trucks, or trains within the town.

(D)

All fireworks discharged under this provision shall be under the direct supervision of a responsible adult.

(E)

Enforcement and penalties:

(1)

A person who uses, fires, shoots, or discharges any fireworks within the corporate limits of the town or fails to comply with the provisions of this section shall be deemed guilty of an infraction for each occurrence of noncompliance.

(2)

An infraction is punishable by a fine up to the maximum amount allowed by state law. Each occurrence of a violation of this section shall be considered a separate and distinct infraction. State Law reference— Fireworks, S.C. Code 1976, § 23-35-10 et seq.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

SIGNED, SEALED AND DELIVERED this 4th day of March 2019.

Rutledge B. Leland, III, Mayor

Town of McClellanville

ATTEST:

Clerk of Council

March 4, 2019

Adopted at Council meeting: March 4, 2019

APPROVED AS TO FORM:

Julia P. Copeland
Corporation Counsel