

COUNTY OF HORRY )

STATE OF SOUTH CAROLINA )

ORDINANCE 115-2022

**AN ORDINANCE PROVIDING FOR THE REGULATION AND PROHIBITION OF CERTAIN TYPES OF USES OF FIREWORKS, AS WELL AS USE IN CERTAIN AREAS AND DURING CERTAIN TIMES; EXCEPTIONS AND PENALTIES.**

**WHEREAS**, Horry County Council has the authority to enact and enforce ordinances and regulations to promote public health, safety, and general welfare, as well as the comfort and peaceful enjoyment of private property by residents of and visitors to Horry County, and further recognizes that often, in exercising its duties, it is called upon to balance the rights of businesses and consumers with the rights of citizens and visitors in sustaining a safe and harmonious community; and

**WHEREAS**, Horry County Council finds that it is in the best interests of the County to protect the health, comfort, convenience, safety, and welfare of residents and visitors by regulating the discharge, use, ignition, etc. of fireworks within the County; and

**WHEREAS**, Horry County Council further finds that it is in the County's best interests to protect the public beach and ocean inasmuch as the public beach and ocean are natural resources that attract residents and visitors alike for both recreational and commercial purposes; and

**WHEREAS**, Horry County Council finds that the use of fireworks on the public beach and on public land adjacent to the beach degrades the public beach with increased litter and threatens wildlife including marine animals; and

**WHEREAS**, Horry County Council finds that the use of fireworks on the public beach and on public property adjacent to the beach negatively impacts the environment and jeopardizes the dunes by exposing sea oats and other dune-stabilizing vegetation to a heightened fire threat; and

**WHEREAS**, Horry County Council finds that the noise from the discharge, use, and ignition of fireworks at certain times within the unincorporated areas of Horry County deprives residents of peace and order and disturbs the quiet of nighttime hours; and

**WHEREAS**, Horry County Council finds that regulating the discharge, use, ignition, etc. of fireworks as hereinafter prescribed will reduce litter, reduce the risk of fire as well as the risk of personal injury and property damage, reduce the risk of harm to marine wildlife and habitat, and reduce nuisance usage and provide a corresponding improvement in the quality of life within the unincorporated areas of Horry County; and

**WHEREAS**, Horry County Council finds that regulating the discharge, use, ignition, etc. of fireworks as hereinafter prescribed will also benefit the local economy inasmuch as it will help keep the public beach and ocean, the area's primary natural resource, clean and attractive for millions of visitors and residents; and

**WHEREAS**, it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public



health, comfort, convenience, safety, welfare, and prosperity of the County and its inhabitants.

**NOW, THEREFORE**, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following hereby is ordained and enacted:

**1. REGULATION OF DISCHARGE, USE, AND IGNITION OF FIREWORKS:** The following sections are hereby added to Chapter 5 (Beaches) and Chapter 20 (Public Nuisances and Infractions), Article IX (Miscellaneous Proscribed Conduct) of the Horry County Code of Ordinances:

**Sec. 5-24: Discharge, Use, and Ignition of Fireworks on Public Beaches Prohibited**

It shall be unlawful for any person to use, fire, shoot, discharge, or ignite any fireworks on any public beach, public beach access, street end adjacent to the beach, or any County land immediately adjacent to the beach, within the unincorporated areas of Horry County, except as otherwise lawfully permitted. Anyone found to be in violation of this Section shall be subject to a civil fee of fifty (\$50.00) dollars to be paid within thirty (30) days of the violation. If payment is not tendered within thirty (30) days, the fee shall be increased by an additional fifty (\$50.00) dollars for every thirty (30) days thereafter until paid, with a maximum fee of two hundred (\$200.00) dollars. For repeat offenses (second and subsequent offenses within a one year period), the initial fee will be one hundred (\$100.00) dollars.

**Sec. 20-453: Discharge, Use, and Ignition of Fireworks Restricted; Exceptions**

(a) It shall be unlawful for any person:

- (1) to use, fire, shoot, discharge, or ignite any fireworks or similar explosives on any public beach, public access, government land immediately adjacent to the beach, public street or right-of-way including street ends adjacent to the beach, public park, and other public property at any time within the unincorporated areas of Horry County;
- (2) Within only the most recent Census Designated Urban Areas of unincorporated Horry County, to use, fire, shoot, discharge, or ignite any fireworks or similar explosives within the unincorporated areas of Horry County between the hours of 10:00 p.m. and 7:00 a.m., except (i) as provided in subsection (c) below relating to use of signals and/or flares; (ii) as provided in subsection (d) below relating to public exhibitions with written consent of the Chief Fire Official for Horry County, or designee; and (iii) on July 4 and December 31 on which dates the hours of lawful use will be extended until 12:30 a.m. on July 5 and 12:30 a.m. on January 1. This provision shall not prohibit the use, discharge, or lighting of sparklers or similar pyrotechnic products which generate no appreciable sound, at any hour;
- (3) to use, fire, shoot, discharge, or ignite fireworks or similar explosives if a person is under the age of 18 years, unless accompanied by a parent or legal guardian;

- (4) to shoot, fire, discharge, or throw fireworks or similar explosives at or toward any person, animal, structure, or vehicle, including but not limited to golf carts;
  - (5) to use, fire, shoot, discharge, or ignite any fireworks within, or throw fireworks or similar explosives from, a vehicle, including but not limited to golf carts;
  - (6) to use, fire, shoot, discharge, or ignite any fireworks or similar explosives within 500 feet of a church, hospital, asylum, or school except as provided in subsections (c) and (d) below; and
  - (7) to use, fire, shoot, discharge, or ignite any fireworks or similar explosives within 300 feet of gasoline stations or other businesses where gasoline and/or flammable liquids or gases are sold or stored.
- (b) Anyone found to be in violation of this Section shall be subject to a civil fee of fifty (\$50.00) dollars to be paid within thirty (30) days of the violation. If payment is not tendered within thirty (30) days, the fee shall be increased by an additional fifty (\$50.00) dollars for every thirty (30) days thereafter until paid, with a maximum fee of two hundred (\$200.00) dollars. For repeat offenses (second and subsequent offenses within a one year period), the initial fee will be one hundred (\$100.00) dollars.
- (c) Nothing in this section shall be construed as prohibiting the use of signals necessary for the safe operation of railroads, buses, trucks or boats, nor shall the provisions of this section apply to any common carrier, while acting as such, lawfully transporting or having custody of fireworks in interstate commerce or for delivery within this State for use as provided in this section.
- (d) Nothing in this section shall be construed as prohibiting the use of fireworks in a public display with the written consent of the Chief Fire Official for Horry County, or designee, which the Chief Fire Official, or designee may, in his or her discretion, grant or refuse to grant subject to the restrictions and limitations of this section as well as any other restrictions and limitations as the Chief Fire Official, or designee, deems to be in the best interests of Horry County.
- (e) Fireworks prohibited zones, as provided in South Carolina Code Ann. § 23-35-175 are governed by state law.

**2. SEVERABILITY.** If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Subsection or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

**3. CONFLICT WITH PRECEDING ORDINANCES.** If a Section, Subsection or provision of this Ordinance shall conflict with the provisions of a Section, Subsection or part of a preceding Ordinance of Horry County, unless expressly so providing, then the preceding Section, Subsection or part shall be deemed repealed and no longer in effect.

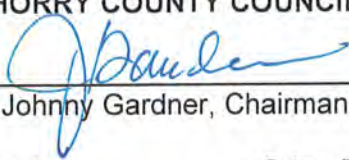


4. **EFFECTIVE DATE.** This Ordinance shall become effective on Third Reading.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED.**

Dated this 18<sup>th</sup> day of October, 2022.

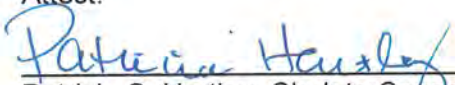
**HORRY COUNTY COUNCIL**

  
\_\_\_\_\_  
Johnny Gardner, Chairman

Harold G. Worley, District 1  
Bill Howard, District 2  
Dennis DiSabato, District 3  
Gary Loftus, District 4  
Tyler Servant, District 5  
Cam Crawford, District 6

Orton Bellamy, District 7  
Johnny Vaught, District 8  
R. Mark Causey, District 9  
Danny Hardee, District 10  
Al Allen, District 11

Attest:

  
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Patricia S. Hartley, Clerk to Council

First Reading:	September 20, 2022
Second Reading:	October 4, 2022
Third Reading:	October 18, 2022

- Urban Areas, as defined by the Census
- Public Properties

