

ARTICLE V. FIREWORKS

Editor's Note. This article derives from Section 5, Article V, entitled "FIREWORKS," of the 1980 Chapin Code of Ordinances and state statutes.

9.501. FIREWORKS. PROHIBITED.

It shall be unlawful for any person to fire, shoot, discharge, offer for sale, store, exchange, give away or possess any fireworks of any description, except as provided in this article, within the corporate limits.

9.502. SAME. PERMISSIBLE SALE OF.

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks enumerated in §23-35-10 of the 1976 South Carolina Code of Laws.

9.503. SAME. EXCEPTIONS. TOY CAPS AND SIMILAR DEVICES.

The term "fireworks" shall not include toy paper pistol caps which contain less than twenty-five hundredth (0.25) grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale, and the use of these items shall be permitted at all times.

(1976 SC Code §23-35-30)

9.504. SAME. OTHER EXCEPTIONS.

Nothing in this article shall apply:

1. to the manufacture, storage, sale or use of signals necessary for the safe operation of public or private transportation;
2. to illumination devices for photographic use;
3. to the military or naval forces of the State or United States;
4. to peace officers;
5. to the sale or use of blank cartridges for ceremonial, theatrical or athletic events;
6. to the transportation or use of fireworks solely for agricultural purposes.

(1976 SC Code §23-35-40)

9.505. SAME. SALE TO MINORS.

It shall be unlawful to sell or offer for sale any permissible fireworks to children under the age of sixteen (16) years who are not accompanied by a parent or guardian.

9.506. PERMISSIBLE FIREWORKS FOR PUBLIC DISPLAYS.

Nothing in this article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as "Class B Fireworks" and shall not include such items of commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

(1976 SC Code, Title 23)

9.507. PERMIT REQUIRED FOR PUBLIC DISPLAYS.

Any person desiring to hold a public display of fireworks shall first secure from the Mayor and Council a written permit to hold such display at least ten (10) days prior to the date of the proposed display. No permit shall be issued to allow any public display of fireworks at any location whereby, in the judgement of the Mayor and Council, life or property may be endangered.

(1976 SC Code §23-35-60)

9.508. IDENTIFICATION AND MARKING.

No common fireworks permitted in this article shall be sold, offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless it is certified as "Common Fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and also positioned as to be readily recognized by law enforcement authorities and the general public.

(1976 SC Code §23-35-20)

9.509. RETAIL HANDLING. STORAGE.

The retail handling and storage of all permissible fireworks shall conform to §23-35-100 and §23-35-110 of the 1976 South Carolina Code of Laws.

9.510. FIREWORKS NEAR BUILDINGS.

It shall be unlawful for any person to build or ignite a fire or to shoot or discharge fireworks in any place within the corporate limits that would endanger any property or building.

(1976 SC Code §16-6-2)(CTC §8-5-80)

9.511. STORAGE NEAR FLAMMABLE MATERIALS.

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.

(CTC §5-5-100)

9.512. UNLAWFUL AND PERMISSIBLE SALE OF FIREWORKS.

It shall be unlawful for persons to possess, sell, offer for sale, store, or transport any fireworks other than the permissible fireworks herein enumerated. The permissible fireworks consist of ICC Class C, "Common Fireworks" only, in the regulations of the Interstate Commerce Commission, for the transportation of explosives and other dangerous articles, and shall include the following:

1. Roman candles whose total pyrotechnic composition shall not exceed twenty (20) grams each in weight;
2. Bottle type rockets whose pyrotechnic composition shall not exceed twenty (20) grams each in weight;
3. Cylindrical fountains whose total pyrotechnic composition shall not exceed seventy-five (75) grams each in weight and whose inside diameter shall not exceed three-fourths inches (3/4");
4. Cone fountains whose total pyrotechnic composition shall not exceed fifty (50) grams each in weight;
5. Wheels whose total pyrotechnic composition shall not exceed sixty (60) grams in weight, for each driver unit, but there may be any number of drivers on any one wheel and the inside bore of driver tubes shall not be over one-half inch (1/2");
6. Illuminating torches and colored fire in any form whose total pyrotechnic composition shall not exceed one hundred (100) grams each in weight;

7. Sparklers whose total pyrotechnic composition shall not exceed one hundred (100) grams each in weight;

8. Firecrackers and salutes with casings, the external dimensions of which do not exceed one and one-half inches (1 1/2") in length and one-quarter inch (1/4") in diameter, and other items designed to produce an audible effect, the total pyrotechnic composition of which does not exceed two (2) grains each in weight;

9. Items composed of a combination of two (2) or more articles or devised of the above enumerated approved items.

No component of any device listed in this section which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two (2) grains in weight excluding propelling or expelling charges.

(CTC §5-5-60)