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**ORDINANCE NO. 2022-083**

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, to add Sec. 14-108, "Discharge of Fireworks" Establishing the Manner and Times of Lawful use of Fireworks and Providing Certain Civil Penalties for Violations thereof*

**WHEREAS**, pursuant to S.C. Code Ann. § 5-7-30, each municipality of the State, in addition to the powers conferred to its specific form of government, may enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general laws of this State, necessary for the security, general welfare, and preservation of peace and order within the municipality; and

**WHEREAS**, City Council has found that the use of fireworks, although an enjoyable activity by many residents, can cause annoyance to citizens due to loud and persistent noise and may negatively impact citizens' quality of life, particularly when discharged at times that disturb the sleep of those in the vicinity of the discharge; and

**WHEREAS**, the City Council has found and determined that, for the promotion of the health and welfare and the preservation of peace and order within the City, it is necessary to enact this Ordinance which balances the interests of citizens who wish to sensibly use fireworks with the needs of citizens who are concerned with firework discharge during sleeping hours; and

**BE IT ORDAINED** by the Mayor and Council this 1<sup>st</sup> day of November, 2022, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Article IV, is amended to add Section 14-108, "Discharge of Fireworks" to read as follows:

**SECTION 1.** The Code of Ordinances, City of Columbia, South Carolina, is hereby amended by adding Sec. 14-108, to read as follows:

Sec.14-108. Discharge of Fireworks.

- (a) Except as otherwise provided in this section, it is unlawful for a person to use, discharge, shoot, or ignite fireworks or similar explosives within the City between the hours of 11:00PM and 7:00AM. This section may not be construed to prohibit the discharge or lighting of sparklers or similar pyrotechnic products which generate no appreciable noise at any time. For the purposes of this section, "fireworks" is a term as defined by S.C. Code Ann. § 40-56-20.

- (b) Notwithstanding the provisions of subsection (a), the permitted hours for the use of fireworks must be extended on the Fourth of July and New Year's Eve. Therefore, it is only unlawful for a person to use, discharge, shoot, or ignite fireworks or similar explosives within the City between the hours of 12:30AM and 9:00AM on July 5th and January 1st.
- (c) It is unlawful to:
1. Negligently, recklessly, or intentionally direct the discharge of fireworks towards a structure, animal, or person;
  2. Intentionally detonate fireworks upon the land of another without express prior consent;
  3. Offer for sale or sell permissible fireworks to children under the age of fourteen (14) years unless accompanied by a parent;
  4. To ignite or detonate fireworks within six hundred (600) feet of a church, hospital, public school;
  5. To ignite or detonate permissible fireworks within a motor vehicle or discharge a permissible fireworks from a motor vehicle; and
  6. To place or throw an ignited firework into or at a motor vehicle.
- (d) A violation of this section is punishable by a civil penalty of up to one hundred dollars (\$100). Each violation of this section may be punished as a separate offense.
- (e) After three separate violations in a single location over a period of six months, the location can be declared to be a public nuisance and subject to the nuisance provisions of Chapter 8, Article II of the Columbia City Code.
- (f) Nothing in this section may be construed to prohibit within the City the use of flares or similar devices necessary for the safe operation of railroads, buses, trucks, or other vehicles within the City or that is necessary during emergencies.
- (g) Nothing in this section shall be read to supersede or otherwise be exempt from the requirements of Columbia City Code Chapter 9 – Fire Prevention and Protection.
- (h) Any firework display permitted by the City and state Fire Marshall is exempt from subsection (a), (b), and (c)(4) of this section.

**SECTION 2.** Should any part or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the constitutionality or validity of the remaining portions of this Ordinance, the city council hereby declaring that it would have passed this Ordinance irrespective of the fact that any one or more parts or provisions may be declared to be unconstitutional, invalid, or otherwise ineffective.

**SECTION 3.** This ordinance shall become effective upon second reading.

Requested by:

Councilman Howard Duvall

Approved by:

Cheresa B. Whitson  
City Manager

Approved as to form:

[Signature]  
City Attorney

Introduced: 10/18/2022  
Final Reading: 11/1/2022

Mayor

[Signature]

ATTEST:

Tricia D. Hammond  
City Clerk