

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)
)
CITY OF GAFFNEY)

ORDINANCE NO. 2021-5

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GAFFNEY
TO REGULATE THE DISCHARGE OF FIREWORKS AND SIMILAR EXPLOSIVES
WITHIN THE CITY LIMITS OF THE CITY OF GAFFNEY**

WHEREAS, City Council having the authority to adopt and provide for the enactment of such ordinances that are not inconsistent with its own Code of Ordinances, the Constitution, and laws of the State of South Carolina; and

WHEREAS, City Council having the authority to promote and protect the security and general welfare of its residents and to preserve the peace and maintain order within its borders; and

WHEREAS, the noise from the discharge of fireworks and similar explosives in certain locations and at certain times within the City deprives the residents of the City of peace and order and disturbs the quiet of nighttime hours; and

WHEREAS, the City's Noise Ordinance does not explicitly prohibit the noise made by fireworks and similar explosives; and

WHEREAS, City Council wishes to protect the order, peace and quiet enjoyment of the nighttime hours for the residents of the City and prohibit the discharge of fireworks and similar explosives during that time;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GAFFNEY, SOUTH CAROLINA:

SECTION 1. The Code of Ordinances of the City of Gaffney shall be amended to include provisions to regulate the discharge of fireworks and similar explosives within the city limits of the city of Gaffney as set forth below.

Section 12-43. Unlawful acts involving fireworks shall be amended as follows:

- (a) The provisions of S.C. Code 1976 Section 23-35-175, as amended and the state regulations adopted thereto, are hereby adopted by reference. Violation of any of the aforesaid provisions shall be unlawful.
- (b) No change
 - (1) To offer for sale or to sell permissible fireworks to children under the age of 16 years, unless accompanied by a parent.
 - (2) through (5) No Change
 - (6) To use, fire, shoot or discharge any fireworks on any public property or public right of way, or within fifty (50) feet of any public property or public right of

way, except for public display or exhibit upon receiving a required permit from the City.

- (7) To use, fire, shoot or discharge any fireworks on any public or private street.
- (8) To possess, discharge or otherwise handle any fireworks if a person is under the age of 16 years, unless accompanied by a parent.

Section 12-44. Prohibited and permissible time for discharge of fireworks, Penalty for infraction; increasing penalties for subsequent infractions.

(a) No Change

(b) An infraction of this **Article II – FIREWORKS** is punishable by a fine of \$100.00, any part of which may be suspended. Each subsequent violation occurring within one calendar year of the determination of another infraction is punishable by a fine of not less than \$500.00.

Section 12-45. Fireworks prohibited zones, etc. governed by State law.

South Carolina Code Ann. 23-35-175 provides for the establishment of Fireworks Prohibited Zones, Discharge of Fireworks Prohibited Agreements, extension of those zones and posting of notice of the establishment of those zones. The provisions of this Article are intended to operate in compliance with state law and private citizens and entities may obtain forms from the City of Gaffney for use in declaring their property within the City as Fireworks Prohibited Zones.

SECTION 2. The Municipal Code Corporation as codifier of the Code of Ordinances, in consultation with the City Attorney, shall assign a code section number or numbers and incorporate the provisions into the Code of Ordinances.

THIS DONE IN COUNCIL ASSEMBLED THIS 3RD DAY OF MAY 2021.

CITY OF GAFFNEY, SOUTH CAROLINA



Dr. Randy Moss, Mayor

ATTEST:



James R. Taylor, City Administrator

Date of First Reading: April 5, 2021

Date of Second Reading: May 3, 2021