

PROCEDURE TO ESTABLISH FIREWORKS PROHIBITED ZONE

An owner, a lessee, or managing authority of real property may establish a Fireworks Prohibited Zone by:

(1) filing a Discharge of Fireworks Prohibited Agreement with the law enforcement agency having jurisdiction over the subject property; and

(2) posting at least two signs or placards in conspicuous locations on the subject property. These signs or placards must be posted to be visible from any street or thoroughfare the subject property abuts and any public land sharing a common boundary with the subject property. The signs or placards must measure not less than twelve inches by twelve inches and bear the following inscription:

**"DISCHARGE OF FIREWORKS PROHIBITED VIOLATORS WILL BE
PROSECUTED"**

In addition to the inscription, the signs or placards must identify the subject property for which the Discharge of Fireworks Prohibited Agreement has been filed and, if applicable, any adjoining public property to which the local governing body has extended the Fireworks Prohibited Zone as provided in this section.

DISCHARGE OF FIREWORKS PROHIBITED AGREEMENT

DATE: _____

ADDRESS OF SUBJECT PROPERTY: _____

NAME OF SUBJECT PROPERTY (IF COMMERCIAL):

PROPERTY BOUNDARIES OR LEGAL DESCRIPTION OF SUBJECT PROPERTY:

I, _____, the undersigned, being the owner, lessee, or managing authority of the above described subject property, establish for my period of ownership, occupancy, or authority over the subject property a Fireworks Prohibited Zone for the subject property and, if applicable, any adjoining public property to which the local governing body has extended the Fireworks Prohibited Zone. By filing this agreement, I request that the applicable law enforcement agency enforce the prohibition of the discharge of fireworks on said subject property and, if applicable, any adjoining public property to which the local governing body has extended the Fireworks Prohibited Zone to the fullest extent of the law.

I acknowledge that this Discharge of Fireworks Prohibited Agreement exists only for the period that I own, lease, or manage the subject property, or until I rescind the agreement, whichever occurs first.

I agree to post two signs or placards measuring not less than twelve inches by twelve inches in conspicuous locations on the subject property. The signs or placards must: (1) identify the subject property and, if applicable, any adjoining public property to which the local governing body has extended the Fireworks Prohibited Zone, and (2) bear the following inscription:

**"DISCHARGE OF FIREWORKS PROHIBITED
VIOLATORS WILL BE PROSECUTED"**

SIGNATURE OF OWNER, LESSEE, OR MANAGING AUTHORITY

ADDRESS _____

WITNESS

WITNESS

PROCEDURE TO EXTEND FIREWORKS PROHIBITED ZONE

If authorized by a decision of the local governing body as provided in this subsection, an owner, lessee, or managing authority that has filed a Discharge of Fireworks Prohibited Agreement with a local law enforcement agency may extend the Fireworks Prohibited Zone beyond the subject property:

- (a) to the low-water mark of all oceanic bodies of water adjoining the subject property.
- (b) to the center line of any street or thoroughfare that abuts the subject property; or
- (c) onto any public land sharing a common boundary with the subject property for a distance not to exceed five hundred feet.

(2) The owner, lessee, or managing authority must apply for the extension in the office of the local governing body on the following form:

(SEE FORM AT END OF TEXT)

A local governing body may provide by ordinance for additional information to be included in the application. The local governing body must not require a fee for this application.

In considering whether a Fireworks Prohibited Zone may be extended onto public property as provided in item (1), the local governing body must:

- (a) schedule a public hearing within a reasonable time from which the application is made.
- (b) give fifteen days' public notice of the hearing in a newspaper of general circulation in the community: and
- (c) receive testimony from interested persons, their agents, or their attorneys at the public hearing.

(5) No later than five calendar days following the public hearing, the local governing body must issue a written decision, including all findings of fact and rationales upon which the determination is made, concerning whether the Fireworks Prohibited Zone is to be extended. If the local governing body authorizes the extension of a Fireworks Prohibited Zone, the local governing body's decision must be filed by the owner, lessee, or managing authority with the Discharge of Fireworks Prohibited Agreement for the subject property at the local law enforcement agency.

(F) A local governing body or local law enforcement agency is authorized to post appropriate signs or placards indicating the location of Fireworks Prohibited Zones in areas where contiguous properties have filed a Discharge of Fireworks Prohibited Agreement.

(G) A person may be prosecuted pursuant to the provisions of this section only if the subject property of the Fireworks Prohibited Zone is posted as required by this section.

(H) Unless restricted or prohibited by a lease or contract, a lessee may establish a Fireworks Prohibited Zone and apply for an extension of the zone onto public property as provided in this section during the time of the lease.

(I) A Discharge of Fireworks Prohibited Agreement exists only:

(1) during the ownership, lease, or authority of the person filing the agreement; or
(2) until the owner, lessee, or managing authority rescinds the agreement by withdrawing the documentation filed with the local law enforcement agency. If the subject property is no longer established as a Fireworks Prohibited Zone, any extension by a local governing body of the Fireworks Prohibited Zone to public property is unenforceable.

(J) The provisions of this section do not apply to a professional fireworks display show or demonstration that has been permitted or licensed to operate by the local governing body or has been authorized to operate as provided by law.

(K) Nothing in this section is designed to abrogate any civil remedies available under statutory or common law.

HISTORY: 2005 Act No. 6, Section 1.

Code Commissioner's Note

Section 23-35-10, referenced in subsection (A)(1), was repealed by 2010 Act No. 196, Section 2. 2010 Act No. 196, Section 1, enacted new Section 40-56-20 which provides definitions for Chapter 56, Title 40, State Board of Pyrotechnic Safety.

APPLICATION FOR EXTENSION OF FIREWORKS PROHIBITED ZONE

DATE _____

ADDRESS OF SUBJECT PROPERTY: _____

NAME _____ AND _____ ADDRESS _____ OF
APPLICANT: _____

I, _____, the undersigned, am the owner, lessee, or managing authority of the above described subject property for which a Discharge of Fireworks Prohibited Agreement was filed with the **City of Gaffney Police Department** on _____. I am attaching with this application a copy of the Discharge of Fireworks Prohibited Agreement.

I have circled the following applicable description of the public property onto which I request the zone to be extended:

- (a) to the low-water mark of all oceanic bodies of water adjoining the subject property.
- (b) to the center line of any street or thoroughfare that abuts the subject property; or
- (c) onto any public land sharing a common boundary with the subject property for a distance not to exceed five hundred feet.

Below I have briefly described the public property onto which this application proposes to extend the fireworks prohibited zone:

If authorized by a decision of the local governing body to extend the Fireworks Prohibited Zone, I agree to identify the subject property and extended public property included in the Fireworks Prohibited Zone on two signs or placards measuring not less than twelve inches by twelve inches posted in conspicuous locations on the subject property.

OWNER, LESSEE, OR MANAGING AUTHORITY

SIGNATURE: _____

ADDRESS

WITNESS

WITNESS
