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1 **2022-33 (2<sup>nd</sup> READING): IN THE CODE OF ORDINANCES FOR THE CITY OF**  
2 **MYRTLE BEACH, AN ORDINANCE TO AMEND CHAPTER 5, SECTION 5-18**  
3 **TO PROVIDE A CIVIL PENALTY AND TO AMEND CHAPTER 9, ARTICLE 1,**  
4 **SECTION 9-5 TO PROHIBIT CERTAIN TYPES OF USES AS WELL AS USE**  
5 **OF FIREWORKS IN CERTAIN AREAS AND DURING CERTAIN TIMES;**  
6 **EXCEPTIONS AND VIOLATION RESULTING IN CIVIL INFRACTION**

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7 **Applicant/Purpose:** Staff / to amend city code sections addressing fireworks to comply with  
8 state law.  
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10 **Brief:**

- 11 • Existing fireworks ordinance imposes a city-wide ban.
- 12 • The proposed amended ordinance would continue to prohibit the use, discharge or  
13 ignition of fireworks on the public beach, beach access, government land adjacent to  
14 the beach, public street or right of way including street ends adjacent to the beach,  
15 public park and other public property at all times.
- 16 • The proposed amended ordinance would also make it unlawful to:  
17 (1) To use, fire, shoot, discharge, or ignite fireworks if a person is under the age of 18  
18 years, unless accompanied by a parent or legal guardian;  
19 (2) To shoot, fire, discharge, or throw fireworks at or toward any person, animal,  
20 structure, or vehicle, including but not limited to golf carts;  
21 (3) To use, fire, shoot, discharge, or ignite any fireworks within or throw fireworks or  
22 from a vehicle, including golf carts;  
23 (4) To use, fire, shoot, discharge, or ignite any fireworks within 500 feet of a church,  
24 hospital, asylum, or school; and  
25 (5) To use, fire, shoot, discharge, or ignite any fireworks within 300 feet of gasoline  
26 stations or other businesses where gasoline and/or other flammable liquids or  
27 gases are sold or stored.
- 28 • Under the proposed amended ordinance, violations are subject to civil fine of \$250 for  
29 a first violation and \$500 for each subsequent violation occurring within twelve months.
- 30 • No changes since 1<sup>st</sup> reading.

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32 **Issues:**

- 33 • Proposed amended ordinance would allow use of fireworks on private property subject  
34 to the above restrictions, but only between the hours of 7:00 a.m. and 10:00 p.m.
- 35 • On July 4 and December 31, fireworks would be permitted until 12:30 a.m. on July 5  
36 and January 1, subject to the above restrictions.
- 37 • Public fireworks displays would be allowed with the written consent of the Chief Fire  
38 Official, or his designee.

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40 **Public Notification:** Normal Meeting Notification.

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42 **Alternatives:** Do not change ordinances.

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44 **Financial Impact:** No direct financial impact.

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46 **Manager's Recommendation:**

- 47 • I recommend 1<sup>st</sup> reading (6.14.22)
- 48 • I recommend approval (6.28.22).

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50 **Attachment(s):** Proposed ordinance.

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3 **CITY OF MYRTLE BEACH**  
4 **COUNTY OF HORRY**  
5 **STATE OF SOUTH CAROLINA**  
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**IN THE CODE OF ORDINANCES FOR THE  
CITY OF MYRTLE BEACH, AN ORDINANCE  
TO AMEND CHAPTER 5, SECTION 5-18 TO  
PROVIDE A CIVIL PENALTY AND TO AMEND  
CHAPTER 9, ARTICLE I, SECTION 9-5 TO  
PROHIBIT CERTAIN TYPES OF USES AS  
WELL AS USE OF FIREWORKS IN CERTAIN  
AREAS AND DURING CERTAIN TIMES;  
EXCEPTIONS AND VIOLATION RESULTING  
IN CIVIL INFRACTION**

16 WHEREAS, the Myrtle Beach City Council has the authority to adopt and provide for the  
17 enactment of such ordinances, not inconsistent with the Constitution and laws of the State of  
18 South Carolina, to promote and protect the health, comfort, convenience, general welfare, and  
19 safety of its residents and to preserve the peace and maintain order within its borders; and  
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21 WHEREAS, the Myrtle Beach City Council finds that it is in the best interests of the city to protect  
22 the health, comfort, convenience, safety, and welfare of residents and visitors by regulating the  
23 discharge, use, ignition, etc. of fireworks within the city; and  
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25 WHEREAS, the Myrtle Beach City Council further finds that it is in the city's best interests to  
26 protect the public beach and ocean inasmuch as the public beach and ocean are the principal  
27 attractions driving the city's economy; and  
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29 WHEREAS, the use of fireworks on the public beach and on public land adjacent to the beach  
30 degrades the public beach with increased litter and threatens wildlife including marine animals,  
31 and  
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33 WHEREAS, the use of fireworks on the public beach and on public property adjacent to the beach  
34 negatively impacts the environment and jeopardizes the dunes by exposing sea oats and other  
35 dune-stabilizing vegetation to a heightened fire threat; and  
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37 WHEREAS, the noise from the discharge, use, and ignition of fireworks at certain times within the  
38 city deprives residents of peace and order and disturbs the quiet of nighttime hours; and  
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40 WHEREAS, the Myrtle Beach City Council finds that regulating the discharge, use, ignition, etc.  
41 of fireworks as hereinafter prescribed will reduce litter, reduce the risk of fire as well as the risk of  
42 personal injury and property damage, reduce the risk of harm to marine wildlife and habitat, and  
43 reduce nuisance usage and provide a corresponding improvement in the quality of life within the  
44 city; and  
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46 WHEREAS, the Myrtle Beach City Council finds that regulating the discharge, use, ignition, etc.  
47 of fireworks as hereinafter prescribed will also benefit the city's economy inasmuch as it will help  
48 keep the public beach and ocean, the city's principal attractions, clean and attractive for millions  
49 of visitors and residents; and  
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1 WHEREAS, it is further declared that the provisions and prohibitions hereinafter contained and  
2 enacted are in pursuance of and for the purpose of securing and promoting the public health,  
3 comfort, convenience, safety, welfare, and prosperity of the city and its inhabitants.  
4

5 IT IS HEREBY ORDAINED, that Sections 5-18 and 9-5 in the City of Myrtle Beach Code of  
6 Ordinances are amended as follows by deleting existing text that is stricken through and by adding  
7 text that is underlined:  
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9 **Sec. 5-18. – Discharge, use, ignition, etc., of fireworks prohibited.**

10  
11 It shall be unlawful for any person to use, fire, shoot, discharge, or ignite any fireworks within  
12 the city limits of Myrtle Beach on any public beach, public beach access, street end adjacent to  
13 the beach, or any government land immediately adjacent to the beach, except as otherwise  
14 lawfully permitted. Violators will be subject to a civil offense fine of \$250.00 for a first violation.  
15 Each subsequent violation occurring within twelve months of another violation is punishable by  
16 a fine of not less than \$500.00. The fines prescribed by this provision are in addition to all local,  
17 state, and federal assessments.

18 **Sec. 9-5. – Sale, Discharge, use, ignition, etc., of fireworks restricted; exceptions**

19 ~~(a) It shall be unlawful for any person to use, fire, shoot, discharge, sell or offer for sale, store,~~  
20 ~~exchange, give away or possess any fireworks within the city.~~

21 ~~(b) It shall be unlawful for any person to use fireworks in public displays or exhibits, except~~  
22 ~~when the person desiring to give these displays or exhibits shall have first obtained written~~  
23 ~~approval therefor from the city council, which may, in its absolute discretion, grant or refuse to~~  
24 ~~grant the permission so applied for, or may grant it subject to the restrictions and limitations as~~  
25 ~~it may, in its absolute discretion, deem to be in the interest of public safety in connection with~~  
26 ~~the display or exhibit.~~

27 ~~(c) Nothing in this section shall be construed as prohibiting the use of signals necessary for the~~  
28 ~~safe operation of railroads, buses, trucks or boats, nor shall the provisions of this section apply~~  
29 ~~to any common carrier, while acting as such, lawfully transporting or having custody of fireworks~~  
30 ~~in interstate commerce or for delivery within this state for use as provided in this section.~~

31 (a) It shall be unlawful for any person:

32 (1) to use, fire, shoot, discharge, or ignite any fireworks or similar explosives on any public  
33 beach, public beach access, government land immediately adjacent to the beach,  
34 public street or right-of-way including street ends adjacent to the beach, public park,  
35 and other public property at any time within the city;  
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37 (2) to use, fire, shoot, discharge, or ignite any fireworks or similar explosives within the  
38 City limits of Myrtle Beach between the hours of 10:00 p.m. and 7:00 a.m., except: (i)  
39 as provided in subsection (c) below relating to use of signals and/or flares; (ii) as  
40 provided in subsection (d) below relating to public exhibitions with written consent of  
41 the Chief Fire Official for the City of Myrtle Beach, or designee; and (iii) on July 4 and  
42 December 31 on which dates the hours of lawful use will be extended until 12:30 a.m.  
43 on July 5 and 12:30 a.m. on January 1. This provision shall not prohibit the use,

1 discharge, or lighting of sparklers or similar pyrotechnic products which generate no  
2 appreciable sound, at any hour;

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4 (3) To use, fire, shoot, discharge, or ignite fireworks or similar explosives if a person is  
5 under the age of 18 years, unless accompanied by a parent or legal guardian;

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7 (4) To shoot, fire, discharge, or throw fireworks or similar explosives at or toward any  
8 person, animal, structure, or vehicle, including but not limited to golf carts;

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10 (5) To use, fire, shoot, discharge, or ignite any fireworks within or throw fireworks or similar  
11 explosives from a vehicle, including but not limited to golf carts;

12  
13 (6) To use, fire, shoot, discharge, or ignite any fireworks or similar explosives within 500  
14 feet of a church, hospital, asylum, or school except as provided in subsections (c) and  
15 (d) below; and

16  
17 (7) To use, fire, shoot, discharge, or ignite any fireworks or similar explosives within 300  
18 feet of gasoline stations or other businesses where gasoline and/or other flammable  
19 liquids or gases are sold or stored.

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21 (b) A violation of the provisions of this section shall be punishable by a fine of \$250.00 for a  
22 first violation. Each subsequent violation occurring within twelve months of another  
23 violation is punishable by a fine of not less than \$500.00. The fines prescribed by this  
24 section are in addition to all local, state, and federal assessments.

25  
26 (c) Nothing in this section shall be construed as prohibiting the use of signals necessary for  
27 the safe operation of railroads, buses, trucks or boats, nor shall the provisions of this  
28 section apply to any common carrier, while acting as such, lawfully transporting or having  
29 custody of fireworks in interstate commerce or for delivery within this state for use as  
30 provided in this section.

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32 (d) Nothing in this section shall be construed as prohibiting the use of fireworks in a public  
33 display with the written consent of the Chief Fire Official for the City of Myrtle Beach, or  
34 designee, which the Chief Fire Official, or designee, may, in his or her discretion, grant or  
35 refuse to grant subject to the restrictions and limitations of this section as well as any other  
36 restrictions and limitations as the Chief Fire Official, or designee, deems to be in the best  
37 interests of the city.

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39 (e) Fireworks prohibited zones, as provided in South Carolina Code Ann. § 23-35-175, are  
40 governed by state law.

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43 ATTEST:

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45 BRENDA BETHUNE, MAYOR

46  
47 JENNIFER ADKINS, CITY CLERK

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49 1<sup>st</sup> Reading: 6-14-2022

50 2<sup>nd</sup> Reading: 6-28-2022