

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )      **ORDINANCE NO. 38-05**

**AN ORDINANCE TO ESTABLISH WITHIN THE UNINCORPORATED AREAS OF HORRY COUNTY ONE OR MORE AREAS TO BE DESIGNATED AS FIREWORKS PROHIBITED ZONES PURSUANT TO THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED THROUGH THE STATE'S ADDITION OF CODE SECTION 23-35-175.**

**WHEREAS**, the State of South Carolina recently has enacted legislation so as to allow the establishment of Fireworks Prohibited Zones within counties and municipalities; and

**WHEREAS**, the State's legislation has been memorialized in chapter 35, Title 23 of the 1976 Code, as amended, by adding Section 23-35-175; and

**WHEREAS**, Horry County Council has determined that it is in the best interests of our county's citizens, residents and tourists to, not only endorse the state legislation, but also to extend the Fireworks Prohibited Zone beyond the subject property and onto various public properties as defined in SC Code §23-35-175 (E)(1)(a)(b) and (c); and

**WHEREAS**, Horry County does hereby adopt the format and forms contained within the state's statute and authorizes the Administrator to create and design the necessary application and forms for the County's use so as to extend the Fireworks Prohibited Zone into public property and to develop a policy consistent with the state's statutory law for scheduling public hearings associated with the applications, and

**WHEREAS**, it is the intention of Council to delegate the responsibility of receiving testimony to the Council's Public Safety Committee and for that Committee to issue written decisions and all other acts as required.

**NOW, THEREFORE**, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is **ordained and enacted** that

1. Horry County Council does authorize and establish within the unincorporated boundaries of the County one or more areas to be designated as Fireworks Prohibited Zones pursuant to the Code of Laws of South Carolina, including an extension of those Zones onto various public properties as permitted by statutory law. Additionally, Council authorizes the Administrator to take such steps as are necessary to create and design the application and forms necessary to implement the Fireworks Prohibited Zones. Lastly, Council does designate its Public Safety Committee as the body vested with the responsibilities detailed in the state statute regarding the issues of public hearings, testimony, written decisions and any and all other ancillary matters as are mandated.

2. **Severability**. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections or portions of this ordinance shall not be affected thereby.
3. **Conflicting Ordinances Repealed**. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
4. **Effective Date**. This ordinance shall become effective on Third Reading.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED**

Dated this   5th   day of   April  , 2005.

**HORRY COUNTY COUNCIL**

Date of First Reading:	February 26, 2005
Date of Second Reading:	March 15, 2005
Date of Third Reading:	April 5, 2005