

STATE OF SOUTH CAROLINA }  
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COUNTY OF MARLBORO }

ORDINANCE # 831

**AN ORDINANCE TO IMPLEMENT REGULATIONS REGARDING THE  
DETONATION OF EXPLOSIVE DEVICES IN MARLBORO COUNTY**

**SECTION 1: TITLE**

The title of this Ordinance shall be known and cited as the “Marlboro County Explosives Detonation Ordinance” (hereinafter referred to as “Explosives”).

**SECTION 2: PURPOSE**

The purpose of this chapter is to implement standards for the detonation of explosives that may cause injury, death, or damage to personal property, whereas preserving the personal freedom to engage in such activities, while promoting public health, safety, welfare, comfort, and prosperity of the citizens of the county.

**SECTION 3: AUTHORITY AND ENACTMENT**

The Marlboro County Council (hereinafter referred to as “County”), pursuant to the authority conferred by the General Assembly of the state in South Carolina, hereby ordains and enacts into law this ordinance.

**SECTION 4: JURISDICTION**

Under the authority granted by General Assembly of South Carolina, the county is hereby authorized to enact this ordinance within the rural areas of the county and outside and beyond the corporate limits of any municipality of the county.

**SECTION 5: CONFLICT WITH OTHER LAWS**

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing provisions of any other ordinances or laws. However, if the requirements of any other lawfully adopted rules, regulations, or ordinances of the county conflict with this chapter, the more restrictive or that imposing the higher standards will govern.

**SECTION 6: AMENDMENT**

This ordinance may be amended from time to time by the “County” on its own motion or on petition and after public notice and hearing.

**SECTION 7: DEFINITIONS**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DETONATE.** Any action that will cause an explosive material or device to explode.

**DISCHARGE.** To eject or release a projectile or object by a sudden release of tension or pressure.

**ENCAPSULATE.** To enclose within an object or outer shell for the purpose of containment.

**EXPLODING TARGET.** A device that is utilized for the purpose of shot confirmation. This type of target is typically comprised of chemicals or materials that react in an explosive manner once impacted by a projectile or a detonating device.

**EXPLOSION.** The sudden, loud, and violent release of energy that happens when something breaks apart in a way that sends parts flying outward.

**EXPLOSIVE.** A material or combination of materials that have a likelihood of erupting in a violent manner creating an explosion.

**PERMANENT BUILDING.** A building which is built, constructed, used, or intended to support and/or shelter any use or occupancy that is attached to real property by means of permanent foundation, plumbing, or electrical connection and is required to obtain a permit and undergo an inspection process in accordance with the South Carolina State Building Code.

**PUBLIC GATHERING PLACES.** Locations that are subject to the assembly of a group of individuals for a uniform purpose. The following shall be considered as PUBLIC GATHERING PLACES: schools; churches; daycares; parks; playgrounds; recreational areas; nursing homes; hospitals; family care/group homes; and governmental buildings and grounds.

## **SECTION 8: EXPLOSIVES RESTRICTIONS**

It shall be unlawful for any person to cause an explosion:

- (A) Within 1,500 feet as measured in a straight line from the point of detonation to the property line of any public gathering place;
- (B) Without written consent of the owners or tenants of all residential dwellings or permanent buildings located within 1,500 feet as measured in a straight line from the point of detonation;
- (C) Carelessly or heedlessly in wanton disregard for the safety of others;
- (D) Without due caution or circumspection and in a manner so as to endanger any person or property and resulting in the unlawful property damage or bodily injury of another;
- (E) In a manner resulting in projectiles or shrapnel leaving the property in which the detonation or explosion occurred;
- (F) While under the influence of alcohol or a controlled substance (UNDER THE INFLUENCE is a determination by the investigating officer that the person is intoxicated by alcohol or a narcotic to the point where physical and mental faculties are appreciably diminished);
- (G) In the form of an exploding target when encapsulated therefore creating a projectile or shrapnel; or
- (H) From the hours of sunset to sunrise.

## **SECTION 9: EXCEPTIONS**

This chapter shall not be construed to rescind any of the state wildlife laws nor shall it be construed to prohibit the following:

- (A) Officers and enlisted personnel of the armed forces of the United States while in the performance of their official duties and acting under orders requiring them to carry arms, weapons, or explosives;
- (B) Civil officers of the United States while in the performance of their official duties;
- (C) Officers of the state or of any county, city, or town charged with the execution of the laws of the state when acting in the performance of their official duties;
- (D) The detonation of an explosive at a properly permitted and approved firing range or facility operating as such prior to the adoption of this chapter;
- (E) The performance of a historical ceremony or commemorative functions that are conducted involving the discharge of firearms or detonation of explosives that do not involve the release of projectiles;
- (F) Any individual, group, or company that possess a valid permit and is operating under all federal, state, and local guidelines prescribed for such use; or
- (G) The use of pyrotechnics or fireworks meeting exempt specifications as referenced in the general statutes.

## **SECTION 10: PENALTY**

Each violation of this ordinance shall constitute a Class 3 misdemeanor and any person convicted of the same shall be fined not more than \$500 and/or imprisonment not exceeding 30 days. A violation of this ordinance may be enforced by an appropriate, equitable remedy, including an injunction and order of abatement issued from a court of competent jurisdiction in accordance with South Carolina Code of Laws 1976 § 15-43-30 and § 15-43-80 as amended. Furthermore, a violation may cause a civil penalty to be recovered by the county in a civil action in the nature of a debt. Each day's continuing violation of this chapter shall constitute a separate and distinct offense.


**THEREFORE, BE IT ORDAINED**, the Marlboro County Council hereby authorizes the implementation of the regulations regarding the detonation of explosive devices in Marlboro County effective immediately upon adoption.

**ADOPTED** this 13th of September, 2022.

(SEAL)

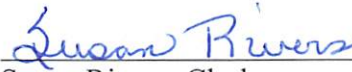
ATTEST:

First Reading: July 20, 2022 (Title Only)  
Second Reading: August 9, 2022  
Public Hearing: September 13, 2022  
Third Reading: September 13, 2022



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Charles P. Midgley, Jr., Chairman  
Marlboro County Council



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Susan Rivers, Clerk  
Marlboro County Council