

# The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3970  
FACSIMILE: 803-253-6283

November 9, 1992

The Honorable C. Alex Harvin, III  
The Majority Leader Emeritus  
House of Representatives  
Post Office Box 266  
Summerton, South Carolina 29148

Dear Representative Harvin:

In a letter to this Office you referenced a planned special effects pyrotechnics show to be presented as part of a truck pull at the Carolina Coliseum. You questioned whether such show would be in violation of State Budget and Control Board Regulation R.19-305.10 which states:

Black powder, flash powder or any other powder composed of pyrotechnic materials is strictly prohibited from use inside any enclosed entertainment and/or assembly occupancy located within the State of South Carolina.

Generally, in construing a statute or regulation, words must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's or regulation's operation. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). The referenced regulation prohibits the use of powders composed of pyrotechnic materials as part of an enclosed entertainment event. Therefore, it appears that a pyrotechnic display as part of an indoor event would be prohibited by the regulation. I understand that the State Fire Marshal has reached a similar conclusion regarding the referenced regulation.

As to the authority of the State Fire Marshal to waive the requirements of this regulation, S.C. Code Ann. § 23-9-530 provides for an appeal of any decision by the State

The Honorable C. Alex Harvin III  
Page 2  
November 9, 1992

Fire Marshal enforcing or interpreting regulations promulgated by the State Fire Commission. Included in the appeals process is the authority for the Fire Marshal to resolve any appeals and code violations. See: § 23-9-530(E) and (F).

With kind regards, I am

Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook  
Executive Assistant for Opinions