

1978 WL 35288 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 28, 1978

*1 Mr. Richard Neeley
Fireworks Inspector
Inspection Services
Division of General Services
300 Gervais Street
Columbia, South Carolina 29201

Dear Mr. Neeley:

This is in response to your request of June 19th, concerning the validity of a county or municipal prohibition of the sale of fireworks enumerated as permissible in [§ 23-35-10 of the South Carolina Code \(1976\)](#). It is the opinion of this office that fireworks of a type authorized by an enactment of the General Assembly cannot be legislatively proscribed by a political subdivision of the State.

Although State Fire Marshal Regulation 19-62(12), pursuant to the grant of power in [§ 23-35-140 of the Code](#), provides that '[l]ocal ordinances can be more stringent and will prevail', this language pertains to rules and regulations relating to the sale of fireworks (that is, the procedure for sales of permissible fireworks), so that counties or municipalities can enact more restrictive ordinances concerning how fireworks can be sold, but not what fireworks can be sold. Local ordinances may neither expand nor restrict the enumeration of permissible fireworks contained in [§ 23-35-10 of the Code](#). I have enclosed a prior opinion from January of this year on the same subject.

Sincerely,

Karen LeCraft Henderson
Senior Assistant Attorney General

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