

State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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December 15, 2004

The Honorable David H. Wilkins
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3409, R-356, a bill which allows property owners to designate their property as a fireworks free zone. I am vetoing this bill because I believe that counties and municipalities should be given the authority to determine where and when fireworks can be used. This bill allows each property owner to determine whether fireworks can be used on his or her property, but in reality this type of self-zoning does nothing to protect neighboring property owners from the noise of exploding fireworks, which can have an impact well beyond the confines of a 100 foot lot.

Currently, state law has been interpreted by the courts and the Attorney General to limit the authority of local governments to regulate fireworks. This bill would change current law and give individual property owners the power to restrict the use of fireworks on their property by filing paperwork with local law enforcement and posting signs on the property to create a fireworks free zone. Additionally, this bill makes it a crime to knowingly and willfully discharge fireworks from, in, or into a fireworks free zone.

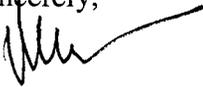
By allowing individual property owners to designate their property as fireworks free zones, this legislation bypasses city and county councils in balancing the rights of property owners who want to use fireworks and neighboring property owners who want their property and quiet enjoyment protected. It is our view that the parcel-by-parcel approach in this bill does not adequately address the quiet enjoyment issues arising from the use of fireworks. For instance, a property owner in Edisto Beach could make a fireworks free designation, but still have his quiet enjoyment disturbed by noise from fireworks being used in his neighborhood but not landing on his property. Local governments can balance these issues on a city or county-wide basis, while individual property owners have a much narrower focus.

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I believe current law should be changed so that restrictions on the use of fireworks can be uniformly applied to citizens and tourists who use fireworks in a particular city or county. A piecemeal, parcel-by-parcel approach can be potentially confusing and overly restrictive. I believe giving counties and municipalities the authority to determine on a county or city-wide basis where fireworks can be used is a less restrictive way to deal with the safety and nuisance concerns raised by some property owners, and is consistent with home rule.

For these reasons, I am vetoing H. 3409, R-356.

Sincerely,

A handwritten signature in black ink, appearing to read 'MS', with a long horizontal flourish extending to the right.

Mark Sanford