

## ORDINANCE #56 – FIREWORKS

### 1. Definitions:

- a. “Aerial Fireworks” is defined to include aerial spinners, helicopters, mines, missile-type rockets, sky rockets, bottle rockets, roman candles, shells, stick type rockets, missile-type rockets, aerial shell kits, or anything else capable of being propelled into the air with either an explosive or chemical process of any kind. Model rockets are expressly exempted from this definition.
- b. “Non-Aerial Fireworks” means all other types of fireworks not defined as Aerial Fireworks that are defined by West Virginia State Code, §29-3E-11, as Consumer Fireworks, Display Fireworks, and Special Effects. This definition shall not be read to include sparkling devices, novelties, toy caps, or model rockets.
- c. “Fireworks Device” is defined as both Aerial Fireworks and Non-Aerial Fireworks.

### 2. No person, firm, or legal entity of any kind shall discharge Aerial Fireworks within the Village of Beech Bottom without obtaining a permit from Village Council.

- a. The Village Council shall establish policies and procedures for obtaining of a permit to discharge Aerial Fireworks.

### 3. No person, firm, or legal entity shall use Non-Aerial Fireworks except as set forth below:

- a. New Year's Eve from 9:00 A.M. until 11:59 P.M.
- b. New Year's Day from 12:00 A.M. until 1:30 A.M.
- c. July 3 from 9:00 A.M. until 11:59 P.M.
- d. July 4 from 12:00 A.M. until 1:30 A.M. and from 9:00 A.M. until 11:59 P.M.
- e. Memorial Day from 9:00 A.M. until 11:59 P.M.
- f. Labor Day from 9:00 A.M. until 11:59 P.M.
- g. West Virginia Day, June 20, from 9:00 A.M. until 11:59 P.M.
- h. On a Special Exemption Day(s) as determined by the Village Council.
- i. On every other day not listed above, between the hours of 10:00 A.M. and 10:00 P.M.

### 4. The owner and/or renter/lessee of a premises may be directly responsible for insuring compliance with this Ordinance and may be cited for a violation of this Ordinance as if he/she/they were the person to have discharged the Fireworks Device.

### 5. The parent or legal guardian of a minor may be directly responsible for the violations of this Ordinance committed by the minor and may be cited for a violation of this Ordinance as if he/she/they were the person to have discharged the Fireworks Device.

### 6. Penalties

- a. Violations of the provisions of this Ordinance is a misdemeanor punishable, upon conviction thereof, by a fine as follows:
  - i. 1<sup>st</sup> Offense - \$100

- ii. 2<sup>nd</sup> Offense - \$200
  - iii. 3<sup>rd</sup> Offense - \$1,000
- b. Each discharge of a Fireworks Device in violation of this Ordinance shall be a separate offense.

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Mayor

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Recorder

1st Reading 8/16/2022

2nd Reading 9/6/2022

3rd Reading: waived

In effect upon passage (9/6/2022)