

ORDINANCE 2018- 06

AN ORDINANCE TO REGULATE USAGE OF FIREWORKS

WHEREAS, the Town of Triana recognizes the historical, patriotic, and celebratory usage of Fireworks in conjunction with certain holidays and events, and

WHEREAS, the use of fireworks within the Town of Triana presents public safety and fire hazard concerns, and

WHEREAS, the use of fireworks within the Town of Triana outside of certain holidays and reasonable times of day is harmful and detrimental to the health, welfare and safety of its inhabitants and interferes with the comfortable enjoyment of life and sleep, and

WHEREAS, the density and proximity of homes within subdivisions present additional fire hazard, public safety, and property damage concerns,

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Triana:

1. DEFINITIONS:

- (a) Consumer Fireworks: Consumer grade, Department of Transportation Class 1.4G¹ Pyrotechnic devices intended to make noise and/or light to include Ground and Handheld Sparkling Devices² Aerial Devices³, Audible Ground Devices⁴ such as mortars, bottle rockets, roman candles, firecrackers, 'black cats', spinners, wheels, chasers, etc... Model Rocketry, and novelty devices⁵ such as wire or dipped sparklers, smoke bombs, party poppers, snaps and snakes are excluded from this definition and ordinance.
- (b) Professional or Display Fireworks: Department of Transportation Class 1.1G, 1.2G, or 1.3G Pyrotechnic devices requiring special State and or Federal Permitting to possess and or ignite.
- (c) Fireworks: This term shall encompass consumer AND professional or display fireworks defined and described in paragraphs (a) and (b) of this section.

2. ENFORCEMENT: The prohibited activities and required measures established by this ordinance shall be enforced by the Town Police Department.

¹a.k.a Class C or UN0336

²APA Standard 87-1 Section 3.1.1

³APA Standard 87-1 Section 3.1.2

⁴APA Standard 87-1 Section 3.1.3

⁵APA Standard 87-1 Section 3.2

3. PROHIBITED ACTIVITIES:

- (a) No person shall ignite fireworks without a permit from the Town Council outside of the following times and days:
 - i. July 4th (Independence Day) two hours after sunrise through two hours after sunset (notionally 7:30AM to 10:00PM).
 - ii. January 1st (New Years Day) 12:00AM to 12:30AM and 7:00AM to 10:00PM.
 - iii. Other special events as designated by the Town Council by majority vote (e.g. Bicentennial celebrations, special events, etc...) and subsequently announced to the public.
 - iv. The Mayor under his or her sole authority in consultation with the Fire Department Chief or County Fire Marshall may temporarily halt the usage of fireworks entirely within the permitted times above in the case of extreme fire hazard (e.g. "Burn Bans").
- (b) No person shall ignite fireworks on Town Property without a permit from the Town Council.
- (c) No person shall ignite fireworks on or across Public Roadways.
- (d) No person under the age of 19 shall ignite fireworks without the supervision of an adult 19 years or older.
- (e) No person shall ignite fireworks while intoxicated, or otherwise impaired.
- (f) No person shall ignite fireworks within 10 feet of a structure.
- (g) No person shall ignite or possess Professional or Display Fireworks without the appropriate State or Federal permits and/or licenses.
- (h) No person shall ignite Professional or Display Fireworks without a permit from the Town Council.

4. REQUIRED MEASURES:

- (a) Persons igniting fireworks shall have nearby a fire extinguisher and at a minimum a 5-gallon bucket of water.
- (b) Persons igniting fireworks shall promptly extinguish spent fireworks via immersion in a bucket of water.
- (c) Persons igniting fireworks shall remove all debris, trash, papers, spent fireworks, etc resulting from igniting fireworks from public roadways and neighboring properties no later than 24 hours afterward igniting said fireworks.
- (d) Persons igniting Professional or Display Fireworks shall consult with the Fire Department no later than 72 hours prior to the event.

5. FINES:


- (a) Persons violating any portion of Section 3 after having been issued an abatement order from the Police Department shall be subject to a fine of no less than \$100 per offense.

- (b) Persons violating any portion of Section 4 after having been warned by the Police Department or Fire Department shall be subject to a fine of no less than \$50 per offense.

6. CONFISCATION:

- (a) The Police Department shall confiscate fireworks from the possession of juveniles found to be unsupervised by a parent or guardian 19 years of age or older.
- (b) The Police Department shall confiscate Professional or Display Fireworks from individuals lacking the appropriate State and/or Federal licenses and permits.

APPROVED and ADOPTED this 13 day of August, 2018.


MARY CAUBLE, MAYOR

ATTEST:


SHARRON HUMPHREY, TOWN CLERK