

ORDINANCE

An **Ordinance** regulating the use of fireworks within the city limits of the City of Follansbee, West Virginia.

WHEREAS, the life, health, safety, and property of Follansbee residents and it's visitors are of the utmost importance in the City of Follansbee; and

WHEREAS, the use of fireworks within the City of Follansbee, especially those which are launched and/or propelled into the air, pose a serious danger and threat to the life, health, safety, and property of Follansbee residents and it's visitors; and

WHEREAS, it is in the best welfare and interest and safety of the citizens of Follansbee and it's visitors that provision be made for the restriction and regulation of the use of fireworks within the city limits of the City of Follansbee.

NOW, THEREFORE, be it **ORDAINED** as follows:

- 1) That "Fireworks" is hereby defined as any combustible or explosive composition, or any substance or combination of substances, or any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, and/or all other articles of like construction, as well as any other article, thing, or device containing any explosive or flammable compound, or any tablets or other explosive substance;
- 2) That the lighting, discharge, combustion, explosion, deflagration, detonation, and/or other use of Fireworks by any citizen, resident, visitor, and/or other person within the city limits of the City of Follansbee is strictly prohibited;
- 3) That, notwithstanding Paragraph 2 herein-above, the following sparklers, novelties, articles, things, and/or devices shall not be considered "Fireworks" as defined herein and shall be permitted within the city limits of the City of Follansbee:
 - a. Explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the caps shall not exceed twenty-five hundredths of a grain for each cap;
 - b. Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large snake-like ash when burning;
 - c. Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke;
 - d. Trick noisemakers which produce a small report designed to surprise the user and which include:
 1. A party popper, which is a small plastic or paper item containing not in excess of twenty-five hundredths of a grain of explosive mixture. A string protruding from the device is pulled to activate the device, expelling paper streamers and producing a small report;
 2. A string popper, which is a small tube containing not in excess of twenty-

5. Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, are hand-held or ground-based, cannot propel themselves through the air and contain not more than seventy-five grams of chemical compound per tube or not more than a total of two hundred grams if multiple tubes are used.
- 4) That any person who violates this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned not more than thirty (30) days, or both. Each violation of this Ordinance shall constitute a separate offense;
- 5) That this Ordinance shall supersede and replace any and all "Fireworks" Ordinances previously enacted by the City Council of the City of Follansbee; and
- 6) That this Ordinance shall become effective immediately upon final passage.

CITY OF FOLLANSBEE, WEST VIRGINIA

BY: _____
DAVID A. VELEGOL, JR., MAYOR

ATTESTED:

DAVID KURCINA, CITY CLERK

APPROVED:

ORDINANCE NO.: _____

PASSED : _____

FIRST READING

SECOND READING