

ORDINANCE NO. 1888

AN ORDINANCE AMENDING THE CITY OF DANVILLE, KENTUCKY CODE OF ORDINANCES CHAPTER 6 ARTICLE I SECTION 6-3 TO RESTRICT THE USE AND PUBLIC DISPLAY OF FIREWORKS AND PYROTECHNIC ARTICLES.

WHEREAS, the Board of Commissioners of the City of Danville, Kentucky deems it necessary and appropriate to amend its existing ordinance pertaining to the sale, use and display of fireworks and pyrotechnic articles to curb noise pollution that it deems harmful to the general welfare and safety of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF DANVILLE, KENTUCKY, as follows:

SECTION 1. Section 6-3 (Sale, use and public display of fireworks and pyrotechnic articles) shall be amended to read as follows:

(a) Sale and use of fireworks. No fireworks shall be offered for sale within the city limits of Danville unless they comply with the definition of "consumer fireworks" as defined by the Consumer Product Safety Commission (Title 16 CFR Parts 1500 and 1507) and the Bureau of Alcohol, Tobacco and Firearms (Title 27 CFR Part 555.11). Moreover, no consumer fireworks shall be offered for sale unless they comply with the provisions of KRS Chapter 227.

(1) The use of fireworks in the city includes igniting, firing or exploding or possessing with the intent to use.

(2) The term "sale" includes the sale, offering or exposing for sale, or keeping or possessing with the intent to sell.

(3) Consumer fireworks, as defined in KRS 227.702, and Display fireworks, as defined in KRS 227.706, shall only be used at times specifically authorized by the city, but shall include December 31<sup>st</sup>, January 1<sup>st</sup>, July 3<sup>rd</sup>, July 4<sup>th</sup>, July 5<sup>th</sup> and Memorial Day, but only between the hours of 10:00 a.m. and 11:00 p.m. Use of display fireworks on

other dates require prior authorization of the city in accordance with subsection (c) below, but in all cases shall conclude by 11:00 p.m.

(b) *Sales restricted to retail only.*

(1) No person shall offer fireworks at wholesale, or as a dealer or jobber, within the city limits of Danville, except as provided for in KRS Chapter 227.

(2) In addition to any permit or registration fee required by the Commonwealth of Kentucky, the City of Danville will require an annual \$100.00 permit fee for the issuance of certificate of occupancy to any temporary consumer fireworks retail sales facility as defined in NFPA 1124 (Chapter 3.329.1, 2006 edition, as amended from time to time).

(c) *Public fireworks display.* No person shall conduct a "public fireworks display" without obtaining the requisite permit from the State Fire Marshal's Office in accordance with KRS Chapter 227. "Public fireworks display" shall be defined as any display of fireworks at a public area or as any display of "consumer" or "display" fireworks at a private location if the fireworks are other than those approved by section 1 above. The request for signature by the local Fire Chief shall be accompanied by a \$100.00 permit fee, and a permit shall only be issued if the conditions of KRS 227.710, KRS 227.720 and NFPA 1123 (most current edition) have been met in total.

(d) *Training.* Only persons certified through attendance at a locally recognized training program, or other program acceptable to the City Fire Marshal, will be designated a "competent operator" and thus allowed to supervise a public fireworks display. All display assistants shall be trained in the duties they are to perform, be under the direct supervision of the competent operator, and be at least 18 years old. Renewal of certification shall be automatic upon proof of actively participating in at least three (3) outdoor fireworks displays during the previous four (4) years.

(e) Revocation/suspension.

The Director of Code Enforcement or Fire Chief or his/her designee may revoke or suspend any display fireworks permit issued pursuant to subsection (c) for any violation of this ordinance.

(f) Penalties.

Any person convicted of violating this chapter regarding the wrongful use of fireworks shall be deemed guilty of a misdemeanor and shall be subject to a fine in accordance with the following:

1. Two hundred fifty dollars (\$250) for the first offense within any twelve (12) month period of time;
2. Five hundred dollars (\$500) for the second offense within any twelve (12) month period of time; and
3. One thousand dollars (\$1,000) for the third or greater offence offense within any twelve (12) month period of time.

SECTION 2. The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance, or the application thereof to any particular case, is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses, sections or part of this Ordinance.

GIVEN FIRST READING AND PASSED \_\_\_\_\_

GIVEN SECOND READING AND PASSED \_\_\_\_\_

PUBLISHED BY DANVILLE ADVOCATE-MESSENGER \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
G. MICHAEL PERROS, MAYOR  
CITY OF DANVILLE, KENTUCKY

ATTEST:

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DONNA PEEK, CITY CLERK  
CITY OF DANVILLE, KENTUCKY

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