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AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 50 [FIREWORKS] OF THE CAROLINE COUNTY CODE TO PROHIBIT NON-EXEMPT FIREWORKS AND TO REQUIRE PERMITTING BY THE FIRE OFFICIAL

BE IT ORDAINED, by the Board of Supervisors of the County of Caroline, that Chapter 50, of the Caroline Code is hereby repealed and replaced as follows.

CHAPTER 50, FIREWORKS

§ 50-1. Use prohibited.

Except as otherwise permitted herein, or as permitted by the Statewide Fire Prevention Code Act, *Code of Virginia*, §§ 27-94, et seq., it shall be unlawful for any person, association, group, firm or corporation to transport, manufacture, store, sell, offer for sale, expose for sale, purchase, use, ignite, or explode fireworks.

§ 50-2. Definitions.

As used in this chapter, the following words or terms shall have the following meanings:

“Act” means the Statewide Fire Prevention Code Act, *Code of Virginia*, §§ 27-94, et seq., as amended.

"Fireworks" means any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

“Fire Official” means the Caroline County Fire-EMS Chief or his/her designee.

§ 50-3. Permits.

“Committed To Service, Dedicated To The People”

212 North Main Street, P. O. Box 447, Bowling Green, Virginia 22427

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A. Permits for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, may be permitted provided a permit is obtained from the Fire Official. Any permit issued by the Fire Official shall be subject to the minimum terms and conditions set forth in the Act, any additional terms and conditions as may be prescribed by Fire Official, and the provisions of this Chapter.

Applications for permits shall be made at least 30 days prior to the date of the fireworks display. Upon receipt of a fireworks application, the Fire Official shall confirm that the applicant is properly qualified, under state law, to present a public fireworks display and that, in his opinion, such display can be held without endangering persons or property. Consideration shall be given to the topography of the site and its proximity to forested, business, historical, and agricultural areas.

B. Any association, organization, or group that has been issued a permit may purchase and make use of fireworks under the terms and conditions of such permit.

C. Fireworks displays permitted pursuant to this section shall occur not more than four (4) times per calendar year, on any one parcel of land or any contiguous parcels held under common ownership. Fireworks use or displays are permitted only between the hours of 8:00 am and 11:00 pm; except that on December 31st fireworks are permitted only from 12:00 midnight and 12:15 a.m. and 8:00 am and 11:00 pm. Displays shall not exceed 30 minutes in duration.

D. No permit shall be issued until the applicant, association, organization or group provides to the Fire Official evidence a bond or certificate of commercial general liability insurance in the amount of not less than \$1,000,000 available to cover any damages resulting from such fireworks display. All insurance policies shall be with insurers qualified to do business in the Commonwealth of Virginia, with an "A-1" or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition.

E. Whenever certification is required by Section 107.2 of the Act to conduct a fireworks display, no Permit shall be issued until evidence of such certification is provided to the Fire Official

F. All permit holders shall provide advanced written notice of fireworks displays to all abutting property owners, including those across the street, at least ten (10) days prior of the event. No fireworks use or displays shall be permitted closer than 1,000 feet to a residential use unless the owner of the residential use grants express written permission in a form that can be reviewed and validated by the Fire Official.

G. The Fire Official may specify, in any permit issued pursuant to this section, any additional conditions necessary to protect persons and property. Such conditions may include, but shall not be limited to, the type of fireworks to be used, required fire extinguishing equipment, the presence of trained firefighters and law enforcement officers, and any other requirements deemed necessary to protect public health and

safety. The applicant shall be responsible for the cost of any equipment usage and personnel required as a condition of the permit.

H. The Fire Official may revoke a permit if he determines that any condition of the permit, state law, or this chapter, has been violated, or if he finds any misrepresentation as to any material fact in the permit application. The Fire Official may also revoke the permit when necessary to prevent danger to persons and/or property from fire hazards. Such conditions include, but are not limited to, periods of drought in which forest lands, brush lands and fields have become so dry or parched as to create an extraordinary fire hazard or hazardous weather such as high winds or low humidity.

I. A non-refundable \$100 permit application fee shall be paid at the time of application. The issuance of any such permit by the County is made solely under the authority granted by the Code of Virginia and shall not constitute approval or sponsorship in any manner of the permitted fireworks display.

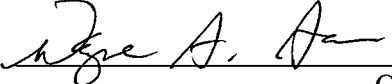
§ 50-4. Applicability; exemptions.

This chapter shall not apply to the use or the sale of sparklers, fountains, Pharaoh's serpents, caps for pistols, or to pinwheels commonly known as "whirligigs" or "spinning jennies"; provided, however, that the fireworks listed in the preceding sentence may only be used, ignited or exploded on private property with the consent of the owner of such property. This chapter shall not apply to fireworks displays conducted by or on behalf of the County.

§ 50-5. Violations

Any person who violates any provision of this chapter shall be guilty of a Class 1 misdemeanor.

Adopted this 2nd day of April 2012.



Chairman

ATTEST:



Clerk to the Board