

**TOWN OF ELEANOR
PROPOSED ORDINANCE (##-##)**

FIREWORKS; POSSESSION, STORAGE AND DISCHARGE.

(a) **Generally.**

(1) The terms used in this Article, including "fireworks" and "consumer fireworks" shall have the same meaning as defined in West Virginia Code Section 29-3E-2. The term fireworks or consumer fireworks shall not include sparkling devices, novelties, toy caps, or model rockets.

(2) The sale, storage, use, possession, ignition, detonation and/or discharge of fireworks within the Town of Eleanor, shall be subject to, and conducted in a manner consistent with, applicable state and municipal law.

(b) **Consumer Fireworks; Regulations, Prohibited Actions, and Exceptions.**

(1) Any person igniting, discharging, detonating or otherwise using (hereinafter, collectively "use" or "using") consumer fireworks within the Town of Eleanor, shall:

A. Not be under the influence of intoxicating liquor, non-intoxicating beer, any controlled substance or other drug, or any combination thereof;

B. Be eighteen years of age or older or under the direct supervision of his or her parent, guardian, or other adult person responsible for the care and custody of the minor;

C. Be responsible for the prompt removal of all debris resulting from the use of fireworks and such completed removal shall not exceed 24 hours after use;

D. Be financially responsible for cleanup costs and/or damages resulting from the use of fireworks;

E. Be responsible for all costs associated with fire suppression efforts related to the use of fireworks;

F. Not use fireworks within 100 feet of any building, dwelling, structure and/or property unless written permission of the owner of the building, dwelling, structure and/or property has been obtained;

G. Not use fireworks from any motor vehicle or boat;

H. Store fireworks in a safe, secure and responsible manner, and separate from any possible ignition source;

I. Not use fireworks in a manner that fireworks travel through, come in contact with, discharge, or explode on any public street, highway, or sidewalk, or in or on any building, or near any person, or within 500 feet of any location posing a special fire danger, such as a gas station, chemical storage area or other similar location; and

J. Not use fireworks during periods of very high or extreme fire danger as determined by the Eleanor Volunteer Fire Department or the West Virginia Division of Forestry, or while wind conditions are such that proper fireworks control cannot be exercised.

This section, and the prohibitions contained herein related to the use of consumer fireworks, is not intended to prohibit use of Display Fireworks within the Town at any day or time so long as the use is sponsored or approved by the Town through the permitting process.

(c) **Permitting.**

(1) A person or group may request permission from the Eleanor Town Council to use fireworks inside town limits. The Eleanor Town Council shall have reasonable discretion, on a case by case basis and after consultation with the Chief of Police and/or the Chief of the Eleanor Volunteer Fire Department, to approve such request.

(2) Persons or groups wishing to use fireworks shall first obtain the “Town of Eleanor Display Fireworks Application / Permit” from the Town Hall or the Town Website. The application must be completely filled out and submitted for review by the Eleanor Town Council during a regularly scheduled or special council meeting. A majority of the Eleanor Town Council must approve of the permit prior to the display date.

(3) Upon approval of a permit, the applicant will pay the Town Clerk the permit fee of \$25.00 unless;

(A) the use of fireworks takes place on New Years Day, Memorial Day, Fourth of July, Labor Day, Veterans Day, Christmas or New Years Eve. In those cases the permit will be \$1.00.

(4) Once a permit is paid for, use of fireworks will be permitted between the hours of 11am and 11pm unless;

(A) A majority of council approves of extended hours request as noted on the application.

(B) Use of fireworks is on the New Year’s Eve/New Year’s Day holiday in which firework use time will be from 11:00 a.m. on New Year’s Eve (December 31st) to 1:00 a.m. of New Year’s Day (January 1st).

(d) **Enforcement & Penalties.**

(1) The Town of Eleanor may seize, take, remove, dispose of at public auction, or destroy, or cause to be seized, taken, removed, disposed of at public auction, or destroyed, at the expense of the owner, all stocks of fireworks offered for sale, stored, held or used in violation of this section, West Virginia Code, or any emergency or legislative rule promulgated thereunder.

(2) The provisions of this Article shall be enforced by the Eleanor Chief of Police, or his/her designee,

(3) Any person convicted of a violation of the provisions of this Article shall be fined not more than five hundred dollars (\$500.00). Each violation of the provisions of this Article shall constitute a separate offense.

TOWN OF ELEANOR
DISPLAY FIREWORKS APPLICATION / PERMIT

Date of Application: _____

Name of applicant: _____

Phone Number: _____ E-mail: _____

Address: _____

Date of Firework Display: _____

Address of Firework Display: _____

Is the applicant the owner of the proposed Display site? Yes No

*If no, applicant must be co-signed by the property owner.

I, _____ (Applicant) have read and agree to the requirements listed in the Town of Eleanor "FIREWORKS; POSSESSION, STORAGE AND DISCHARGE" Ordinance.

Applicant Signature

Date

Home Owner Name/Signature (If needed)

Date

OFFICE USE ONLY

Date of Council Meeting Review: _____

*List times if applicant is requesting extended display hours: _____

Council Decision: _____

If Approved, contact applicant to collect permit fees. \$25.00 for regular permit, \$1.00 for Holiday.