

CULPEPER COUNTY, VIRGINIA

ORDINANCE OF BOARD OF SUPERVISORS OF CULPEPER COUNTY TO AMEND "CHAPTER 3. AMUSEMENTS" OF THE CULPEPER COUNTY CODE BY THE ADDITION OF "ARTICLE IV. FIREWORKS"

WHEREAS, in order to provide efficient governmental services, the Board of Supervisors has determined that it is in the best interest of the public to amend Chapter 3. Amusements of the Culpeper County Code by the addition of Article IV. Fireworks.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS
OF CULPEPER COUNTY, VIRGINIA THAT:**

The Culpeper County Code is hereby amended by the addition of Article IV. Fireworks, to Chapter 3. Amusements, as follows:

ARTICLE IV. FIREWORKS.

Sec. 3-44. Definitions.

(a) "*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.

(b) "*Permissible fireworks*" means any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

State law reference: Code of Virginia § 27-95.

Sec. 3-45. Purpose.

The regulations contained in this Article are adopted to provide for the issuance of permits to fair associations, amusement parks and organizations and groups of individuals for the display of fireworks and to regulate the use and display of fireworks upon the granting of permits.

State law reference: Authority of County to issue permits for the display of fireworks, Code of Virginia, § 15.2-974.

Sec. 3-46. Chapter inapplicable to certain uses of fireworks.

Unless prohibited by a local ordinance, the provisions of this chapter pertaining to fireworks shall not apply to the sale of or to any person using, igniting or exploding permissible fireworks on private property with the consent of the owner of such property.

State law reference: Code of Virginia § 27-96.1.

Sec. 3-47. Exemptions generally.

The provisions of this chapter concerning fireworks shall have no application to any officer or member of the armed forces of this Commonwealth, or of the United States, while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of

fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by this chapter, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property. **State law reference: Code of Virginia § 27-96.2.**

Sec. 3-48. Application for permit.

The County Zoning Administrator may issue permits, upon application in writing, for the aerial display of fireworks, commonly known as pyrotechnic displays, as set forth in Section 3-45. It shall be unlawful for any person to hold, present or give any such display of fireworks without first having obtained such permit from the County Zoning Administrator

(a) Written application for a permit to display fireworks shall be made in triplicate to the County Zoning Administrator for approval, stating:

- (i) the name and address of applicant;
- (ii) the date, time, place of the display, and type of fireworks and the circumstances under which they are proposed to be displayed;
- (iii) a statement that the fireworks will be arranged, located, discharged, and fired in a manner that will not be a hazard to property or endanger any person; and
- (iv) a statement that the applicant will assume full liability for any injuries to any person or damages to any property that may be caused by the negligence of any person involved in the display, and that the applicant will hold the County harmless from all claims for injuries or damages.

(b) Each application must be filed with the County Zoning Administrator at least thirty (30) days before the scheduled date of the fireworks display.

(c) Each such application shall name at least one (1) person who shall participate in displaying the fireworks, including igniting or exploding the fireworks, who has had experience in displaying the type of fireworks proposed to be displayed and is properly licensed or certified.

Sec. 3-49. Issuance or denial.

Applications that have been timely filed in compliance with Section 3-48 shall be acted upon by the County Zoning Administrator no later than fifteen (15) days prior to the scheduled date for the fireworks display.

Sec. 3-50. Approval of permit application; start of thirty-day period approved for storage of fireworks.

Within fifteen (15) days of receipt of an application for a permit to display fireworks, the County Zoning Administrator shall mark the application either "Denied" or "Approved," and the application shall be dated and signed by the County Zoning Administrator. If the application is approved, the date shall constitute the beginning of a thirty-day storage period permitted for such fireworks as provided in Sec. 3-52, and all fireworks covered by such permit shall be displayed or discharged within such thirty (30) day period. Notification of permit approval shall also be given to the Board of Supervisors.

Sec. 3-51. Approved application constitutes permit; disposition of the three copies of application.

One (1) copy of each application for a permit to display fireworks shall be kept on file by the County Zoning Administrator in accordance with Virginia Code; and two (2) copies, after being approved as aforesaid, which will then become a permit to display fireworks, shall be returned to the applicant, who shall keep one (1) copy on file for sixty (60) days after displaying such fireworks; and one (1) copy shall be in possession of the person in charge of displaying the fireworks at the time and place they are being displayed.

Sec. 3-52. Storage of fireworks.

Prior to the use of fireworks pursuant to a permit, they shall be stored in a metal container in a building of masonry, concrete or other firm construction, so that members of the public cannot have access to them, and such fireworks shall not be stored in the County for a period in excess of thirty (30) consecutive days.

Sec. 3-53. Supervision of display by person(s) certified by the State Fire Marshall's Office.

Permits under this article shall provide that fireworks shall be conducted only by persons certified by the State Fire Marshall's Office as a restricted or unrestricted blaster, or shall be supervised on-site by a person properly certified by the State Fire Marshall's Office as a restricted or unrestricted blaster.

State Law Reference: Code of Virginia § 27-97.2

Sec. 3-54. Persons authorized to conduct the display.

The persons who ignite or explode the fireworks display must be properly licensed or certified pyrotechnics over the age of twenty-one (21) years.

Sec. 3-55. Proximity of spectators.

No spectator or member of the public other than those who are participating in displaying or discharging the fireworks shall be closer than fifty (50) feet to the place where such fireworks are being displayed or discharged.

Sec. 3-56. Discharge of fireworks on grounds of public schools and churches.

It shall be unlawful for any person to ignite or explode any fireworks or other explosives on any public school grounds or any church property used as a place for worship in the County, except pursuant to a permit as provided in this Article.

Sec. 3-57. Violations; penalties.

Any person violating any provision of this Article shall be guilty of a Class 1 misdemeanor.

Sec. 3-58. Seizure and destruction of certain fireworks.

Any law enforcement officer arresting any person for a violation of this chapter related to fireworks shall seize any article of fireworks in the possession or under the control of the person so arrested and shall hold the same until final disposition of any criminal proceedings against such person. If a judgment of conviction be entered against such person, the court shall order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction.

State law reference: Code of Virginia § 27-100.1

DONE this 5th day of May, 2010.

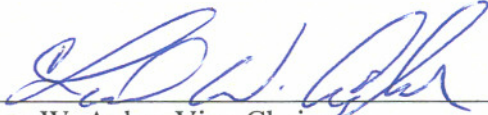
VOTING AYE: Aylor, Chase, Hansohn, Nixon, Walker, Underwood

VOTING NAY: None

ABSTAINING: None

ABSENT: Rosenberger

Witness this signature and seal.

 (SEAL)

Larry W. Aylor, Vice-Chairman
Board of Supervisors of Culpeper County, Virginia

DATE: May 5, 2010

ATTEST:

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Frank T. Bossio, Clerk to the Board