

**TOWN OF BATH  
ORDINANCE 2019-10-02**

**FIREWORKS DISCHARGE RESTRICTION ORDINANCE**

Town of Bath Town Council, Berkeley Springs, West Virginia

This Council hereby finds that the discharge of fireworks devices within town limits is a public nuisance. Accordingly, pursuant to WV Codes 7-1-Jkk, the following ordinance is adopted and effective on and after December, 2019.


- A) Discharge of fireworks, permitted under WV statutes, is not permitted within 500 feet of any residence, motel, hotel, bed and breakfast, hospital, nursing home, or other facility in which people live, sleep, and rest.
- B) Firework or fireworks means any composition or device designed for the purpose of producing a visible or audible effect by combustion or detonation. Fireworks include consumer fireworks, display fireworks, and special effects. Fireworks does not include sparkling devices, novelties, top caps, or model rockets. Consumer fireworks means small fireworks devices that are designed to produce visual effects by combustion that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission pursuant to 16 C.F.R. Parts 1500 and 1507 (2014), and that are listed in APA Standard 87-1. Consumer fireworks that are legal to purchase and use in West Virginia include:
  - Sky Rockets and Bottle Rockets
  - Missile-Type Rockets
  - Helicopter and Aerial Spinners
  - Roman Candles
  - Multi-Aerial Mine and Shell Devices
  - Aerial Shell Kits
  - Reloadable
  - Firecrackers
  - Hand-Held and Ground-Based Sparkling devices (hand sparklers and fountains)
- C) Prohibited Conducts in the use of Consumer Fireworks Devices;
  - A person may not intentionally ignite, discharge or use consumer fireworks on public or private property without the expressed permission of the owner to do so.
  - A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices within or throw the same from a motor vehicle or building site.
  - A person may not intentionally ignite or discharge any consumer fireworks or sparkling devices into or at a motor vehicle or building or at any group of people.
- D) Display Fireworks denotes large fireworks to be used solely by professional pyro-technicians licensed by the State Fire Marshall and designated primarily to produce visible and/or audible effects by combustion, deflagration, or, detonation. The pyrotechnic composition of Display Fireworks far exceeds the explosive materials or components legal for Consumer Fireworks.
- E) Special Effects means a combination of chemical elements or compounds capable of burning independently of oxygen in the atmosphere. These are used as an integral part of motion pictures, radio, television, theatrical or opera productions, or live entertainment. (WV Code 29-3E-2).
- F) Violation of the provisions of this ordinance is a misdemeanor punishable, upon conviction, of a fine of \$800. Each discharge of a fireworks device in violation of this Ordinance shall be a separate offense.

This Ordinance shall take effect upon the 2<sup>nd</sup> reading and approval of the Town of Bath Council, once appropriate signage is in place.

1<sup>st</sup> Reading: November 5, 2019

2<sup>nd</sup> Reading: November 19, 2019

  
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Scott Merki, Mayor

Attest:   
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Susan Webster, Recorder