

ORDINANCE 2016 - 22

AN ORDINANCE AMENDING THE CITY OF MARTINSBURG CODE, PART FIVE-GENERAL OFFENCES, ARTICLE 545 - WEAPONS AND EXPLOSIVES, BY AMENDING AND REENACTING SECTION 545.10 FIREWORKS: DEFINITION, SALE, POSSESSION AND DISCHARGE

545.10 FIREWORKS: DEFINITION, SALE, POSSESSION AND DISCHARGE.

(a) No person, firm, co-partnership or corporation shall offer for sale, possess, expose for sale, sell at retail, keep with intent to sell at retail any fireworks that are prohibited by state law. No person, firm, co-partnership or corporation shall, or use or explode any fireworks. Provided, that the City of Martinsburg may apply to the State Fire Marshal for the granting of permit for the supervised display of fireworks by the City consistent with applicable state rules and regulations.

(b) The term "fireworks" means and includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs or other fireworks of like construction and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance, except that the term "fireworks" shall not include: Model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable acro models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used and toy paper or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.

(c) The following sparklers and novelties shall not be considered fireworks:

(1) Explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the caps shall not exceed twenty-five hundredths of a grain for each cap.

(2) Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large snake-like ash when burning.

(3) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke.

(4) Trick noisemakers which produce a small report designed to surprise the user and which include:

A. A party popper, which is a small plastic or paper item containing not in excess of twenty-five hundredths of a grain of explosive mixture. A string protruding from the devices is pulled to activate the device, expelling paper streamers and producing a small report.

B. A string popper which is a small tube containing not in excess of twenty-five hundredths of a grain of explosive mixture with string protruding from both ends. The strings are pulled to activate the friction-sensitive mixture, producing a small report.

C. A snapper or drop pop, which is a small paper wrapped item containing no more than twenty-five hundredths of a grain of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.

(5) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition. These items must not exceed one hundred grams of mixture per item.


(6) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, are hand-held or ground-based, cannot propel themselves through the air and contain not more than seventy-five grams of chemical compound per tube or not more than a total of two hundred grams if multiple tubes are used: provided, that sparklers and sparkler devices as provided for herein shall not be sold to anyone below the age of sixteen years old.

Be it further Ordained by the City Council of the City of Martinsburg that this Ordinance shall take effect upon the date of adoption.

Introduced: July 28, 2016

Adopted: August 11, 2016

THE CITY OF MARTINSBURG, WEST
VIRGINIA, a Municipal corporation

By: 
George Karos, Mayor

Attest:


Gena Long, City Recorder