

COMMISSIONERS ORDINANCE NO. O-2022-008

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY REPEALING SECTIONS 91.30 AND 91.99 OF CHAPTER 91 OF THE CODE OF ORDINANCES CONCERNING FIREWORKS AND ADOPTING NEW PROVISIONS WITH REGARD THERETO

WHEREAS, the proliferation of the use of fireworks within the City has escalated even during times of non-celebratory events or recognized holidays; and

WHEREAS, due to the density of homes and other structures within the City the use thereof creates conditions for potential damage or injury to persons or property; and

WHEREAS, fireworks are a leading cause of fires to homes or other structures; and

WHEREAS, in addition to the interest of public safety, to also prevent unnecessary noise or disturbance and to curtail the cost of cleanup;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AS FOLLOWS:

SECTION I

That Sections 91.30 and 91.99 of the Code of Ordinances shall be and are hereby repealed, in full, and new Sections of Chapter 91 with regard to fireworks are hereby adopted to read as follows;

CHAPTER 91: FIRE PREVENTION AND CONTROL; FIREWORKS

FIREWORKS

~~91.30 USE AND SALE RESTRICTED.~~

~~The use and sale of fireworks, common or special, within the City, shall be governed by the provisions of KRS 227.700 et. seq.~~

91.30 DEFINITIONS.

FIREWORKS. Fireworks shall mean any device containing chemical elements and chemical compounds, capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical or thermal effects which are useful as pyrotechnic devices for entertainment. The terms shall include, but not be limited to, devices such as firecrackers, bottle rockets, roman candles, wire sparklers containing magnesium, ground spinners, cylindrical or cone fountains, illuminating torches, wheels and any aerial bombs or devices, referred to as Consumer Fireworks as set forth in KRS 277.702.

Exemptions:

Toy pistols, model rockets or other devices in which paper or plastic caps are used and novelty or trick noisemakers as defined in KRS 277.704 shall not be considered fireworks.

Propelling or expelling charges consisting of a mixture of sulfur, charcoal, and saltpeter shall are not considered as being designed for producing audible effects.

PERSON. Any natural person, individual, firm, partnership, joint venture, association, corporation or other entity.

91.31 PROHIBITED CONDUCT.

It shall be unlawful for any person to use or discharge any fireworks upon any property owned or controlled by the City including, but not limited to, sidewalks, streets/roadways, parks, playgrounds, sport fields, benches or bridges or upon or within any City rights-of-way.

91.32 PERMIT REQUIREMENT.FOR DISPLAYS.

Firework related events or exhibitions in which Display Fireworks, as defined in KRS 277.706, are used shall only take place upon any publically owned or controlled property or rights-of-way, with advance permission having been granted by permit through the City's Special Events Application process which shall set forth the time, location and all other mandated requirements, including adequate insurance coverage.

91.33 PERSONAL CONSUMER USAGE.

a. The personal use or discharge of any fireworks shall be confined to privately owned homes, yards, porches, driveways, fields, parking lots or business premises.

b. It shall be unlawful for any person to aim or discharge any fireworks at any vehicle or any house of structure within the City.

91.44 AGE AND TIME RESTRICTIONS.

a. No one under the age of 18 shall be permitted to use or discharge any fireworks unless under direct parental or guardian supervision.

b. Unless otherwise permitted, no fireworks shall be used or discharged between the hours of midnight and 9:00 a.m. excepting on New Year's Eve proceeding into New Year's Day when the prohibition shall be between 1:00 a.m. and 9:00 a.m.

91.45 SALE AND USE.

a. Consumer Fireworks may be offered for sale, at retail or wholesale, pursuant to the provisions of KRS 227.710-715.

b. Nothing herein shall limit the sale, use or discharge of fireworks as provided for in KRS 227.700 et. seq.

91.99 PENALTY.

~~Any person violating any provision of this chapter shall be subject to the same citation procedure and penalty provisions as prescribed in Section 99.09 of this Code.~~

91.99 PENALTY.

Any person who violates any of the provisions of this Chapter shall, upon citation and conviction, be guilty of a Class B misdemeanor in accordance with the Kentucky Revised Statutes.

SECTION II

That this Ordinance shall be signed by the mayor, attested to by the City Clerk, recorded, and be effective upon publication.

PASSED: 1st Reading: August 22, 2022

PASSED: 2nd Reading: September 19, 2022

THOMAS L. GUIDUGLI, JR., MAYOR

ATTEST:

JOY ROVNO, DEPUTY CITY CLERK

PUBLISHED: Online on the City website www.newportky.gov with URL reference published in the Kentucky Enquirer the ___ day of _____, 2022, as statutorily allowable pursuant to KRS. Chpt.424.