

ORDINANCE NO. 237

An Ordinance to prohibit the ignition, discharge, or use of consumer fireworks except on the days that state law preempts a local unit of government from regulating the ignition, discharge, or use of consumer fireworks and to set the penalty for violations.

The Village of Quincy Ordains:

Section 1. Definitions.

Consumer Fireworks means fireworks devices that are designed to produce visible or audible 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 under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

Display Fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or Fireworks means any composition or device, except for a starting pistol, a flare gun, or a flare, designated for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact Fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

Minor means an individual under eighteen (18) years of age.

Novelties means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- a. Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap. Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (1) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- b. Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

more than twenty-five hundredths (.25) of a grain of explosive content per cap, or said paper and/or plastic caps themselves, the sale of which shall be permitted at all times.

Section 5. Enforcement

The Police Chief, his or her designees, and/or sworn law enforcement officers are authorized to enforce the provisions of this ordinance.

Section 6. Violations, fines, penalties and seizure

- a. Any person, firm, corporation, or entity violating the provisions of this ordinance shall be guilty of a civil infraction and shall be fined as follows:
 1. First offense – a fine of one hundred dollars (\$100.00);
 2. Second offense within one year of a first offense – a fine of two hundred and fifty dollars (\$250.00);
 3. Third and subsequent offenses within one year of a first offense – a fine of five hundred dollars (\$500.00).
- b. The issuance of one (1) civil infraction citation for a violation shall not excuse the violation or permit it to continue, and each violation after the first, regardless of when committed, shall constitute a separate offense, although the violation may occur on the same day as the first.

Section 7. Severability

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the validity of the remainder of the ordinance shall not be affected.

Section 8. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 9. Effective Date

This Ordinance shall take effect 21 days after its adoption and publication as prescribed by law.

The foregoing ordinance was duly adopted at a regular meeting of the Council of the Village of Quincy at which a quorum was present on July 16, 2019.



Tricia Rzepka, Village Clerk