

Supervisors Order Book No. 7, p. 67
(Adopted November 4, 1946)

On motion of K. M. Puckett, seconded by Reid L. Gunter, the following Ordinance is unanimously adopted:

Be it ordained by the Board of Supervisors of Patrick County, Virginia that on and after December 1, 1946, it shall be unlawful for any person, firm or corporation to deal in, sell or give away fire crackers, bombs or other explosives of like kind in Patrick County, Virginia.

Any person or persons violating this ordinance shall be guilty of a misdemeanor and shall be fined not less than \$10.00 nor more than \$100.00 for each offense.

The following ordinance proposed at an adjourned meeting of the Board of Supervisors of Patrick County held at the Patrick County Administration Building, Stuart, Virginia, on the 25th day of June, 1987, having been duly advertised for adoption as provided by law, after a hearing thereon, on motion by J. Cornelius Stovall, seconded by Ewell Harold and carried, the following ordinance is hereby adopted:

BE IT ORDAINED by the Patrick County Board of Supervisors that, except as provided herein,

(a) It shall be unlawful for any person, firm or corporation to transport, manufacture, store, sell, offer for sale, expose for sale, or to buy, use, ignite or explode any fire cracker, torpedo, sky rocket, or other substance or thing 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 other than sparks or those fireworks exempted under the provisions of this ordinance.

(b) Seizure and destruction of certain fireworks. Any law enforcement officer arresting any person for a violation of this ordinance shall seize any article listed in paragraph (a) above 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.

(c) Permits for display of fireworks; sales for use thereunder. Upon application in writing to the Sheriff of Patrick County, or his designee, for the display of fireworks by fair associations, amusement parks, or by any organization or group of individuals, under such terms and conditions as he may prescribe, the Sheriff may issue a permit for such display. After such permit has been issued, sales of fireworks may be made for use under such permit, and the association, organization or group to which it is issued may make use of such fireworks under the terms and conditions of such permit.

(d) Penalty for violation. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and, upon, conviction thereof, be punished by confinement of jail not to exceed twelve months, or by a fine not exceeding \$1,000.00, or both such fine and imprisonment.

(e) Exemptions generally. This ordinance shall have no application to any officer or member of the armed forces of this State, 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 ordinance, 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.

(f) Ordinance inapplicable to certain fireworks; such fireworks to be used only on private property. This ordinance shall not apply to the use or the sale of sparklers, fountains, Pharoah's serpents, caps for pistols or to pinwheels commonly known as "whirligigs" or "spinning jennies"; provided however, the fireworks listed herein may only be used, ignited or exploded on private property with the consent of the owner of such property.

Voting Aye: Pilson, Harold, Cassell, Layman, and Stovall

Voting Nay: None