

LD2821492

HOUSE BILL NO. 2553

Offered January 23, 1995

A BILL to amend and reenact §§ 15.1-865 and 59.1-147 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 59.1-146.1, relating to fireworks.

Patrons—Woodrum, Cantor, Diamonstein, Dickinson, Heilig and Wagner; Senators: Houck and Schewel

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-865 and 59.1-147 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 59.1-146.1 as follows:

§ 15.1-865. Dangerous, etc., business or employment; transportation of offensive substances; explosive or inflammable substances; fireworks; compound bows, crossbows; firearms.

A municipal corporation may regulate or prohibit the conduct of any dangerous, offensive or unhealthful business, trade or employment; the transportation of any offensive substance; the manufacture, storage, transportation, possession and use of any explosive or inflammable substance; and the use and exhibition of fireworks and the discharge of firearms. A municipal corporation may also require the maintenance of safety devices on storage equipment for such substances or items. *Nothing in this section shall be deemed to pertain to fireworks which are regulated pursuant to Chapter 11 (§ 59.1-142 et. seq.) of Title 59.1 of the Code of Virginia.*

A municipal corporation may prohibit a person from shooting a compound bow or crossbow at or upon the property of another without permission.

§ 59.1-147. Chapter inapplicable to certain fireworks; such fireworks to be used only on private property.

(a) This chapter 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~~ fireworks containing no more than 50 milligrams of explosive composition if a ground device or containing no more than two grains (130 milligrams) of explosive composition if an aerial device, all of which are classified as class "C" explosives by regulation of the United States Department of Transportation, when authorized by local ordinance pursuant to § 59.1-146.1 ;

(b) Provided, however, the fireworks listed in subsection (a) may only be used, ignited or exploded on private property with the consent of the owner of such property.

§ 59.1-146.1. *Authorization for sale and distribution of certain fireworks, licensing therefore; restrictions.*

A. Notwithstanding any provision of this chapter, beginning on and after July 1, 1995, any county, city or town may by ordinance provide for the transport, storage, or sale of certain fireworks as described in § 59.1-147 (a). Any county, city or town adopting such ordinance shall provide for the licensing of any business selling fireworks and, in addition to all other taxes and fees imposed by the locality, shall levy an annual license fee equaling \$1,000.

B. No ordinance, as provided for in this section, shall permit the sale, delivery, gift or other disposition to any person under eighteen years of age, whether such person is acting for himself or another. Any person licensed pursuant to subsection A. must operate in a permanent structure and be open for business a minimum of six months during any twelve month period. No licensee shall sell fireworks within 250 feet of any pump dispensing gasoline or other flammable liquid or gas.

C. The annual license fee collected pursuant to subsection A shall be used by the local governing body to offset inspection and other costs associated with this chapter relative to the enforcement of the Fire Prevention Code by the local fire official or to reimburse the State Fire Marshall for such costs in those jurisdictions where the local governments do not enforce the Fire Prevention Code.

INTRODUCED

HB2553