11. APPLICATION FOR FIREWORKS DISPLAY PERMITS

Attached herewith please find two applications for fireworks display permits, requested pursuant to Section 10-73 of the Southampton County Code. They are from:

1) **The Sedley Recreation Association** for a planned display on Saturday, July 3, 2010 at dusk. The rain date is Sunday, July 4. Permits have been granted annually (with the exception of 2008) since 1991 without incident; and
2) **Charles B. Darden, Jr.** for a planned display on Saturday, June 26, 2010 at dusk. The rain date is June 27, 2010.

Both applications are in order and draft permits are attached for your consideration.

MOTION REQUIRED:	**If the Board is so inclined, a motion is required to issue the fireworks display permits.**

ARTICLE II FIREWORKS*

***State law references:** Fireworks, Code of Virginia, § 59.1-142 et seq.

Sec. 10-71. When manufacture, transportation, sale, etc., of fireworks unlawful.

Except as otherwise provided in this article, 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 firecracker, torpedo, skyrocket, 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 excepted under the provisions of subsection (a) of section 10-76.

(Ord. of 7-25-88(1), § 11-29.1)

Sec. 10-72. Seizure and destruction of certain fireworks.

Any law enforcement officer arresting any person for a violation of this article shall seize any article mentioned in section 10-71 in the possession or under the control of the person so arrested and shall hold the same until disposition of any criminal proceedings against such person. If a judgment or 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.

(Ord. of 7-25-88(1), § 11-29.2)

Sec. 10-73. Permits for display of fireworks; sales for use thereunder.

(a) Any fair association, amusement park, or any organization or group of individuals may obtain a permit for the display of any of those fireworks as noted in section 10-71 from the board of supervisors upon completion of a written application which shall include as a minimum, the name, address, and phone number of the person responsible for the display, the name, address and phone number of the person in charge of the actual setting off of the fireworks, the time and duration of the display, the date of the display, a site plan of where the display is planned noting precautionary provision of water, fire extinguisher and the like, area designated for onlookers, the type of fireworks to be purchased and name and address of whom the fireworks are to be purchased and other information as required by the board of supervisors or its agents. Applications shall be submitted at least one (1) week prior to a regular scheduled meeting of the board of supervisors. All terms and conditions set by the board of supervisors shall be listed on the application or attached thereto and be made a part thereof.

(b) 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.

(Ord. of 7-25-88(1), § 11-29.3)

Sec. 10-74. Penalty for violation.

Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in section 1-10.

(Ord. of 7-25-88(1), § 11-29.4)

Sec. 10-75. Exemptions--Generally.

This article shall have no application to any officer or member of the armed forces of the commonwealth, 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 article, when such materials or equipment is used or is to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicles for the transportation of persons or property.

(Ord. of 7-25-88(1), § 11-29.5)

Sec. 10-76. Same--Certain fireworks.

(a) This article shall not apply to the use of the sale of sparklers, fountains, Pharoah's serpents, caps for pistols, or to pinwheels commonly known as whirligigs or spinning jennies.

(b) 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.

(Ord. of 7-25-88(1), § 11-29.6)

Secs. 10-77--10-95. Reserved.