

**LOCAL LAW #1 OF 2020 OF THE VILLAGE OF AURORA TO AMEND  
THE VILLAGE ZONING LAW, LOCAL LAW #3 OF 2019, TO REGULATE THE  
USE OF FIREWORKS IN THE VILLAGE OF AURORA**

**Section 408: Fireworks Displays Section of the Zoning Law of the Village of Aurora**

**Enactment**

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village Code of the Incorporated Village of Aurora, County of Cayuga, State of New York, hereby enacts this Local Law #1 of 2020, a Local Law of the Incorporated Village of Aurora.

**Legislative Intent**

It is the purpose and intent of this local law to promote and protect the health, safety, comfort and welfare of the residents of and visitors to the Village of Aurora and to preserve, protect, and enhance the environment and aesthetic assets of the Village of Aurora by imposing regulations to help ensure the safe conduct of outdoor fireworks displays. The Village Board hereby finds and declares it to be in the overall interest of the public health, safety and welfare that displays of fireworks and other pyrotechnics by the municipality, fair associations, amusement parks, businesses, property owners and other organizations be regulated and authorized to minimize the risk of injury to persons and property. This section is enacted pursuant to the authority granted by Article 405 of the Penal Law of the State of New York and subject to all the conditions and provisions contained in said Article 405, as same may be amended from time to time.

**Title**

This chapter shall be known as the “Fireworks Displays Section of the Zoning Law of the Village of Aurora”

**FIREWORKS** -- Pursuant to § 270.00 of the New York State Penal Law, shall include any blank cartridge, blank cartridge pistol or toy cannon in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, the type of balloons which require fire underneath to propel the same, bombs, sparklers or other combustible or explosive of like construction or any preparation containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides or lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect of combustion, explosion, deflagration or detonation or other device containing any explosive substance. The provisions of this definition, however, shall not be deemed to include flares of the type used by railroads or warning lights commonly known as "red flares" or marine distress signals of a type approved by the United States Coast Guard or toy pistols, toy canes, toy guns or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, provided that

they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than 0.20 grains of explosive mixture, the sale and use of which shall be permitted at all times.

**PYROTECHNICS** -- Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume .

Additionally, a new Section 408 shall be introduced and implemented as set forth in boldface immediately below:

**Manufacture; sale; permits for display**

- A. The manufacture of fireworks is prohibited within the Village of Aurora.
- B. Permits. Except as hereinafter provided, it shall be unlawful for any person to store, to offer for sale, to expose for sale, to sell at retail or to use or explode any fireworks, provided that the Code Enforcement Officer/Fire Inspector or his/her designee shall have the power to grant permits for supervised displays of fireworks by the Village of Aurora, fair associations, amusement parks, property owners and organizations.
  - (1) Pursuant to § 405.00 of the New York State Penal Law, the application for such permit shall set forth:
    - (a) The name of the body, person, or entity sponsoring the display and the names of the persons actually to be in charge of the firing display.
    - (b) The date and time of day at which the display is to be held or alternate date and time in case of inclement weather.
    - (c) The exact location planned for the display.
    - (d) The age, experience and physical characteristics of the persons who are to do the actual discharging of the fireworks (a minimum of two shall be required). Both operators shall supply a photocopy of their licenses to deal in explosives, issued by the New York State Department of Labor.
    - (e) The number and kind and size of fireworks to be discharged, as well as frequency and duration of firing.
    - (f) The manner and place of storage of such fireworks prior to the display.
    - (g) A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all the buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of all nearby trees, telegraph or telephone lines or other overhead obstructions.
    - (h) The application shall be signed by the sponsor and the operator.
    - (i) Such other information as the Village of Aurora Code Enforcement Officer/Fire Inspector may deem necessary to protect persons or property.
  - (2) The permit shall contain provisions that the actual point at which the fireworks are to be fired shall be at least 200 feet from the nearest permanent building or public highway or roadway or other means of travel, and at least 50 feet from the nearest aboveground telephone or telegraph line, tree, electrical substation, or other overhead obstruction; that the audience at such display shall be restrained

behind lines at least 150 feet from the point at which the fireworks are discharged, and only persons in active charge of the display shall be allowed inside these lines; that no permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests or brush; that no fireworks discharge be within a half (1/2) mile from any livestock operation; that no shells shall be over 2 inches or include aerial salutes to limit height and protect the safety of the environment; that all fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, unless such fireworks are to be fired from the shore of a lake or other large body of water, when they may be directed in such manner that the falling residue from the deflagration will fall into such lake or body of water; that any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining; that no fireworks display shall be held during any wind storm in which the wind reaches a velocity of more than 30 miles per hour; that all the persons in actual charge of firing the fireworks shall be over the age of 18 years, competent and physically fit for the task; that there shall be at least two such operators constantly on duty during the discharge; and that at least two soda acid or other approved-type fire extinguishers of at least two and one-half (2 1/2) gallons' capacity each shall be kept at as widely separated points as possible within the actual area of the display.

- C. Application for permits shall be made at least 15 days in advance of the date of the display. After such privilege shall have been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that one-time display purpose only. No permit granted hereunder shall be transferable.
- D. The fee for permits issued under this section shall be in accordance with the Village of Aurora fee schedule as determined and revised by the Board of Trustees from time to time.

#### Investigation

Upon receipt of a complete application and payment of the fee aforesaid, the Fire Chief or his/her designee shall do an investigation of the site and surroundings of the proposed display for the purpose of determining whether issuance of the permit will be consistent with and adequately preserve the public health, safety and welfare. Failure of the Fire Chief to approve the application shall prohibit the intended display within the Village of Aurora and shall constitute sufficient cause for any other state or municipal agency having jurisdiction to deny any other required permit.

#### Denial of permit

The Village of Aurora reserves the right to deny a permit to any person, persons, entity, or body failing to sufficiently provide them with the aforesaid information or documents, or whose application is determined by the Code Enforcement Officer/Fire Chief to be insufficient to properly safeguard the safety, health, welfare and well-being of all persons, property or within the area.

#### Other involved permitting agencies

All displays of fireworks or other pyrotechnics shall be operated and conducted in accordance with the New York State Uniform Fire Prevention and Building Code, New York Penal Law and all other applicable New York State and County of Cayuga requirements. Nothing contained herein shall be construed or interpreted to supersede such laws of the rules, regulations or permitting process of any state or other agency having jurisdiction over said display(s).

#### Insurance required

- A. No permit authorizing the display of fireworks shall be granted unless the applicant hereto furnishes evidence of commercial general liability insurance with an occurrence limit of not less than Two Million Dollars (\$2,000,000.00) and coverage for medical payments in the event of injury of not less than Five Thousand Dollars (\$5,000.00) per person and a general aggregate limit of not less than Four Million Dollars (\$4,000,000.00).
- B. No permit authorizing the display of fireworks shall be granted unless the Village of Aurora is a named insured under the required commercial general liability insurance, and such policy shall be non-cancelable without 10 days' prior written notice to the Village of Aurora. Said policy shall be prepaid, and a copy of the policy and evidence of the payment shall be attached to the permit application.

#### Indoor displays prohibited

Notwithstanding the foregoing, any indoor pyrotechnic displays are strictly prohibited.

#### Penalties for offenses

- A. Any person or persons, associations or corporations committing an offense against this chapter or any section or provision thereof shall be subject to the penalties imposed by §§ 270.00 and 405.05 of the Penal Law, including the provisions relating to the seizure of fireworks contained in § 405.05.
- B. Notwithstanding a conviction for an offense against any provisions, a person or entity committing an offense under this chapter shall be subject to revocation of any permit herein granted without reimbursement of fees paid thereof
- C. In addition to any fine or imprisonment imposed for a conviction of an offense to this chapter, each such offense may be subject to a civil penalty not to exceed \$250, to be recovered in an action or proceeding in a court of competent jurisdiction, or by imprisonment not exceeding 15 days, or both. No person who has been convicted of violating this section may apply for a permit for a period of five years from the date of conviction.

#### **Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or

circumstance is invalid or unconstitutional, the court's order of judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of the local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which judgment or order shall be rendered.

**Effective Date**

This local law shall take effect immediately upon filing with the Secretary of State.