

AN ORDINANCE TO REGULATE THE SALE, POSSESSION,
STORAGE, AND USE OF CERTAIN PYROTECHNICS IN
WARREN COUNTY, NORTH CAROLINA

WHEREAS, the North Carolina General Assembly deregulated certain pyrotechnics at the state level by excluding them from the definition of pyrotechnic devices under North Carolina General Statute 14-414; and

WHEREAS, these pyrotechnics which were deregulated by the North Carolina General Assembly have the potential to do great harm to young children if they are allowed to possess and use these pyrotechnics in an unsupervised situation; and

WHEREAS, these pyrotechnics have the potential to cause fires which could do great damage to property and endanger lives in Warren County, North Carolina.

NOW THEREFORE, in consideration of the health and welfare of the people of Warren County, be it ordained by the Warren County Board of Commissioners, pursuant to North Carolina General Statute 153A-128, as follows:

Pyrotechnics defined, exception. For the proper construction of the provisions of this article, "Pyrotechnics", as it is herein used shall be deemed to be and include any and all kinds of fireworks and explosives, which are used for exhibitions or amusement purposes; provided, however, that nothing herein contained shall prevent the manufacture, purchase, sale, transportation, and use of explosives and signaling flares used in the course of ordinary business or industry, or shells or cartridges used as ammunition in firearms. This article shall not apply to the sale, use, or possession of explosive caps designed to be fired in toy pistols, provided that the explosive mixture of the explosive cap should not exceed twenty-five one hundredths (25/100th) of a gram for each cap.

Possession of pyrotechnics. It shall be unlawful for any person in Warren County, North Carolina to manufacture, sell, possess, store or use any pyrotechnic device, except that any person residing in Warren County, North Carolina who is over the age of sixteen (16) years may purchase, possess, and use the following pyrotechnic devices:

(1) Snake and glow worms composed of pressed pellets of a pyrotechnic mixture that produce a large, snake-like ash when burning.

(2) Smoke devices consisting of a tube or sphere containing a pyrotechnic mixture that produces white or colored smoke.

(3) Trick noisemakers which produce a small report designed to surprise the user and which include:

(a) A party popper, which is a small plastic or paper item containing not in excess of sixteen (16) milligrams of explosive mixture. A string protruding from the device is pulled to ignite the the device, expelling paper streamers and producing a small report.

(b) A string popper which is a small tube containing not in excess of sixteen (16) milligrams of explosive mixture with string protruding from both ends. The strings are pulled to ignite the friction-sensitive mixture, producing a small report.

(c) A snapper or drop pop, which is a small, paper wrapped item containing no more than sixteen (16) milligrams of explosive mixture coated on small bits of sand. When dropped, the device produces a small report.

(4) Wire sparklers consisting of wire or stick coated with nonexplosive pyrotechnic mixture that produces a shower of sparks upon ignition. These items must not exceed one hundred (100) grams of mixture per item.

(5) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, do not detonate or explode, do not spin, are hand-held or ground based, cannot propel themselves through the air, and contain not more than seventy-five (75) grams of chemical compound per tube, or not more than a total of two hundred (200) grams if multiple tubes are used.

It shall be unlawful for any merchant in Warren County, North Carolina to sell any pyrotechnic device to anyone under sixteen (16) years of age. Determination of age for this purpose shall be made in like manner to that for the issuance of a drivers license.

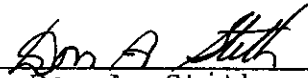
It shall be unlawful to distribute any pyrotechnic device to anyone under sixteen (16) years of age without parental permission and adult supervision of their use.

It shall be unlawful for anyone to possess or use any of the pyrotechnic devises in any school, theatre, shopping mall, church, public building or other place of public assembly.

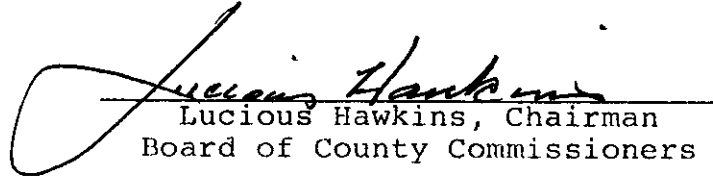
Any person violating this article of the Warren County Code shall be guilty of a misdemeanor and shall be punishable by a fine and/or imprisonment, as set out in North Carolina General Statute 14-4.

This the 6th day of June, 1994.

COUNTY OF WARREN

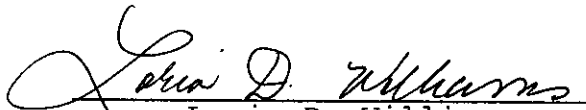


Don A. Stith
Fire Inspector



Lucious Hawkins, Chairman
Board of County Commissioners

ATTEST:


Loria D. Williams
Clerk to the Board