

**COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2019-03**

**AN ORDINANCE OF THE CITY OF LONDON, KENTUCKY
REGULATING THE SALE AND USE OF FIREWORKS IN THE CITY OF
LONDON**

WHEREAS, the City Council of the City of London, Kentucky, has decided to allow the retail sale and discharge of fireworks within the City of London with certain limitations, and

WHEREAS, the City of London previously prohibited fireworks from being ignited or sold in the City of London at any time, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONDON, as follows:

City of London Ordinance No. 584 is hereby repealed.

1. Manufacture Prohibited – It shall be unlawful for any person, firm, partnership, or corporation to manufacture within the City of London, Kentucky, any pyrotechnics, commonly known as fireworks, of any kind or description.
2. Storage, Sale, and Use Restricted - It shall be unlawful for any person, firm, partnership, or corporation to store for resale or sell in the City of London, Kentucky, any pyrotechnics, commonly known as fireworks, except those fireworks classified as permissible fireworks in the state of Kentucky. The storage for resale and retail sale of fireworks shall be subject to the following restrictions:
 - a) The storage for resale and retail sale of fireworks is permitted only on lots zoned to allow retail sales.
 - b) Any person, firm, partnership, or corporation desiring to store and sell at retail fireworks within the City of London shall make application for a permit to do so on forms provided for that purpose by the City of London. The application shall be accompanied by a non-refundable fee of \$250. No permit shall be issued for any person under eighteen (18) years of age. All permits shall be for the calendar year and any fraction thereof except permits will not expire until January 2 of the following year. The application shall include the name of the person making the application; the firm, partnership, or corporation they represent; the business address of both the applicant and the partnership, firm, or corporation they represent; the address and description of the premises where the storage and sale

of fireworks is contemplated; sales tax numbers and any other information the City of London deems necessary to aid in the investigation of the application. The permit shall not be transferable to any other person, firm, partnership, corporation, or premise.

- c) No fireworks shall be sold from an automobile or any other vehicle. No fireworks shall be sold through a drive-thru window. Fireworks must not be thrown into any vehicle when lit nor thrown from any vehicle at any time.
- d) Placing, storing, locating, or displaying fireworks in any area where there is direct sunlight onto the fireworks is prohibited.
- e) The presence of lighted cigars, cigarettes, or pipes within ten (10) feet of where fireworks are offered for sale or are stored is declared unlawful and is prohibited.
- f) All locations where fireworks are stored or sold, must having a posting which reads, "Fireworks. No Smoking" in letters not less than four (4) inches high.
- g) No fireworks shall be sold at retail at any location where paints, oils, or varnishes are for sale or use unless kept in the original unbroken containers. Fireworks may not be sold anywhere where any resin, turpentine, gasoline, or other flammable substance is used, stored, or sold.
- h) It shall be unlawful to offer for retail sale or to sell any fireworks to children under ten (10) years of age or to any intoxicated person.
- i) It shall be unlawful to explode or ignite fireworks within 600 feet of any church, hospital, or public school. It shall be unlawful to explode or ignite fireworks within 200 feet of where fireworks are stored, sold, or offered for sale.
- j) Fireworks may be sold each year exclusively within the City of London from June 20-July 6.

3. Use of Fireworks Restricted – It shall be unlawful for any person to fire, set off, shoot, discharge, or otherwise explode any fireworks within the City of London, except as follows:

- a) Fireworks may be fired, set off, shot, discharged, or exploded on a seasonal basis from June 20- July 6 and at no other dates.
- b) Fireworks may only be fired, set off, shot, discharged, or exploded on 11:00 A.M. to 11:00 P.M. on the dates listed above.

- c) Igniting, firing, or exploding fireworks must be done entirely on private property unless otherwise permitted herein.
 - d) Use of fireworks on all public streets, roadways, alleys, sidewalks, parks, parking lots, and public property within the City of London is prohibited.
 - e) Any person using fireworks pursuant to this Ordinance are doing so at their own risk and liability and are responsible for any personal or property damage resulting therefrom.
4. Special Displays; Permit Required – Nothing in this Ordinance shall be construed as applying to the shipping, sale, possession, and use of fireworks for public displays by holder of a permit for a public display to be conducted in accordance with the rules and regulations promulgated by the State Fire Marshal. Public displays shall be performed only under competent supervision and after the persons or organizations making such displays have applied for and received a permit first for such display issued by the State Fire Marshal. Applications to the City of London for a permit for such public displays shall be made in writing at least ten (10) days in advance of the proposed display. The application shall show that proposed display is to be located and supervised so it is not to be hazardous to property and shall not endanger human lives. Permits shall be for a time and location limited on the permit and are not transferable. Such public display permits shall cost \$250.00.
5. Penalty for Violation – An individual violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Further, the Fire Chief or any police officer may seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered for sale, stored, held, or used in violation of this Ordinance.
6. Exceptions – Nothing in this Ordinance shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation. This Ordinance shall further not apply to the military of the United States or any peace officers. Further, this Ordinance shall not be read to prohibit the sale or use of blank cartridges for ceremonial, theatrical, or athletic events. Sale or use of fireworks solely for agricultural purposes is permitted where approved by the State Fire Marshal.
7. Immediate Action - Nothing in this Ordinance shall prohibit the City of London from

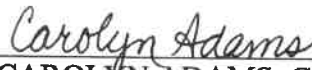
taking immediate action to remedy a violation of its Ordinances when there is reason to believe that the violation presents a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law. Any Ordinances or part of Ordinances in conflict herewith are hereby repealed.

FIRST READING: June 6, 2019
 SECOND READING: June 7, 2019
 PUBLICATION: June 12, 2019


 TROY RUDDER, MAYOR

ATTEST: 
 CAROLYN ADAMS, CITY CLERK