

CHAPTER 12

LOCAL LAW NO. 4 OF 2016

**A LOCAL LAW ENTITLED
FIREWORKS**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to modify Village Local Law No. 4 of 2012.

SECTION 2. ENACTMENT.

A **Chapter 12 of the Village Code entitled Fireworks** is enacted, as follows:

§ 12-1. Legislative Intent.

The purpose of this Chapter 12, entitled a Fireworks Law, is to prevent personal injury, and damage to personal property, real property and vegetation, resulting from the use of fireworks, and to protect the health, safety and welfare of the Village.

§ 12-2. Regulation of Fireworks.

The display of fireworks in the Village or from Long Island Sound directly north thereof shall be subject to the issuance of a permit in accordance with N.Y. Penal Law § 405.00 and the following:

(1) Only Village residents, or any representative duly authorized by a Village resident, shall be permitted to have a fireworks display.

(2) Fireworks displays shall only be permitted to be conducted from that part of the beach located in the Village, either owned by the Village, or owned, rented, licensed or otherwise controlled by any Village resident having any such display, or conducted from a barge or other such vessel moored on Long Island Sound directly north of the Village and within one thousand, five hundred (1,500) feet of the Village shoreline.

(3) Fireworks displays shall only be permitted to be conducted between the hours of dusk and ten (10) PM during the months of May through October, and the hours of dusk and nine (9) PM during other months, except for New Year's Eve, when a fireworks display shall be permitted to be conducted at midnight or shortly thereafter.

(4) Only one (1) fireworks display shall be permitted to be conducted in the Village on a given night.

(5) The local fire department shall be informed of the date of any fireworks display, and otherwise appropriate measures taken to ensure adequate fire protection during any such display.

(6) Fireworks displays shall only be permitted to be conducted in accordance with standards set forth under NFPA Part 1123.

§ 12-3. Permits for Fireworks Displays.

A. Application Process for Fireworks Displays. Any Village resident seeking a permit to have a fireworks display in the Village, either from the beach or a barge or such other vessel as permitted under § 12-2 of this Chapter 12, shall obtain an application for same from the Village Clerk and file such application with the Village Clerk for transmittal to a Village Code Enforcement Officer as designated by the Village Board. Upon receipt of any such application, such officer shall make a determination thereon based on the requirements set forth in § 12-2 of this Chapter 12, by issuing the requested permit, subject to conditions or otherwise, or disapproving the application in writing for stated reasons, and such Code Enforcement Officer shall send a copy of such permit or disapproval to the Village Clerk for distribution to the Village resident or authorized representative making such application. Any application made under this § 12-3 shall be processed at a fee set from time-to-time by resolution of the Village Board.

B. Additional Permit Conditions and Rescission. Any Code Enforcement Officer issuing a permit under § 12-3A of this Chapter 12 or the Village Board may modify any requirements or conditions related to such permit, or rescind same, if in the determination of such officer or said board weather conditions are such that any fireworks display would cause a fire hazard, or if the period immediately preceding the date scheduled for any such fireworks display is marked by particularly dry weather.

§ 12-4. Penalties.

A. Schedule of Fines. Any person in violation of this Chapter 12 shall be subject to a minimum fine of fifty (50) dollars but not to exceed three hundred and fifty (350) dollars for the first offense, a minimum fine of one hundred fifty (150) dollars but not to exceed seven hundred and fifty (750) dollars for a second offense, and a minimum fine of three hundred (300) dollars but not to exceed one thousand (1,000) dollars for a third offense.

B. Schedule of Additional Fines. All fines on all penalties authorized in this Chapter 12 shall increase, as follows:

(1) At thirty (30) days from issuance, minimum fine shall be doubled.

(2) At sixty (60) days from issuance, minimum fine shall be tripled from original amount.

§ 12-5. Severability.

If any provision of this Chapter 12 is ruled unconstitutional or invalid, said ruling shall not affect the validity of other provisions of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

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

SECTION 4. REPLACEMENT OF EXISTING LOCAL LAWS.

This local law upon its effective date shall in all respects repeal and supersede Village Local Law No. 4 of 2012, and any similar local law heretofore adopted by the Board of Trustees, each of which is hereby repealed.

Dated: March 28, 2016

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk

Effective Date: April 17, 2016