



CHAUTAUQUA COUNTY
MOTION NO. _____

TITLE: Promoting the Safe Use of Legal Sparkling Devices in Chautauqua County

AT THE REQUEST OF: Legislators Rankin, Whitford, Odell:

WHEREAS, per New York State Homeland Security, only "sparkling devices" as defined by law are allowed to be used or sold to consumers in New York. All other types of consumer fireworks, including firecrackers, bottle rockets, roman candles, spinners and aerial devices, remain illegal statewide in New York; and

WHEREAS, *Sparkling Devices* are ground based or handheld devices that produce a shower of colored sparks and or a colored flame, audible crackling or whistling noise and smoke. The law limits the type, size and construction of Sparkling Devices and requires that these devices must be hand held or mounted on a base or spike and be limited in sizes that range from 1 to 500 grams of pyrotechnic composition; and

WHEREAS, Sparking Devices are legal statewide, with some counties opt out of selling them. However, Chautauqua County allows the use and sale of sparkling devices; and

WHEREAS, many New Yorkers buy consumer fireworks out-of-state and illegally use them on various holidays. Use and possession of small amounts of fireworks is a violation (not a crime), and it is a challenge for law enforcement to enforce the law especially on the holidays when there are large numbers of illegal users; and

WHEREAS, in 2012, U.S. hospital emergency rooms treat an estimated 8,700 people for fireworks-related injuries. Nearly two-thirds of fireworks-related injuries are caused by backyard fireworks, including firecrackers and bottle rockets. The most severe injuries are typically caused by powerful fireworks, such as M-80's, rockets, and cherry bombs; and

WHEREAS, direct marketing and quick easy access to fireworks is growing at an alarming rate. Fireworks retailers are now aggressively marketing their products to New Yorkers though mail order flyers and internet sites, while vendors just across the state's borders are selling from roadside stands; and

WHEREAS, this easy access doesn't make fireworks any safer or any less illegal. Fireworks are illegal in New York State to prevent needless serious injury and fires. People must refrain from using fireworks, not just to avoid arrest, but to ensure everyone has a safe and accident free holiday. Each year thousands of people nationwide are seriously injured as a result of playing with fireworks; and

WHEREAS, in addition to safety issues, nuisance noise as a result of illegal and inappropriate firework use is a serious issue. Complaints about use of fireworks have risen in recent years, surpassing 420 last year in the city of Jamestown alone; now therefore bit it

KNOWN, That as a legislative body, we urge people to only participate in legal firework activities, to be considerate of neighbors and avoid needless injuries and fire damage by leaving fireworks to the professionals; and be it further

MOVED, That the Chautauqua County Legislature urges all residents to attend a public fireworks display as a safe, enjoyable and legal way to celebrate Independence Day.