

*"A Historic Past"*



*"A Bright Future"*

CITY OF DELAWARE CITY  
407 Clinton Street – P.O. Box 4159  
Delaware City, Delaware 19706  
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**CITY OF DELAWARE CITY  
DELAWARE CITY, DELAWARE**

**Ordinance No. 20-0921-01**

**ORDINANCE TO AMEND CHAPTER 26 OF THE CITY OF DELAWARE  
CITY CODE BY INSERTING A NEW ARTICLE IV RELATING TO THE  
REGULATION OF FIREWORKS**

**WHEREAS**, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter (“Charter”), and pursuant to the “Powers of the City,” outlined in Article II, § 2-01 of the Charter, the Mayor and the Council of The City of Delaware City (“City Council”) possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code (“Code”); and

**WHEREAS**, the Mayor and the City Council of Delaware City desire to limit the use of fireworks within city limits in furtherance of the continued health, safety, and welfare of the Delaware City community; and

**WHEREAS**, the Mayor and City Council desire to amend Chapter 26 of the City Code, by adding new Sections 26-41 through 26-43 relating to fireworks.

**NOW, THEREFORE**, making the express finding that the below changes enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

**Section 1.** Chapter 26 of the City Code is hereby amended by adding Article VI, Fireworks, Sections 26-41 through 26-43, as follows

**CHAPTER 26  
NUISANCE**

**ARTICLE VI Fireworks**

**Sec. 26-41. Discharging fireworks.**

- a) **Discharging of Fireworks.** It is hereby declared to be a public nuisance for any person or persons, absent a permit issued by the Delaware City Police Department, to sell, possess with intent to sell, or discharge fireworks with the City limits of Delaware City.
  
- b) **Definition.** “Fireworks” includes any combustible or explosive composition, or any substance or combinations of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and includes blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used (paper caps are excepted), the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any caps or tablets or other device containing any explosive substance.

**Sec. 26-42. Other Explosive and Flammable Devices Prohibited.** The following items are considered hazardous and are not permitted within the city limits of Delaware City: wood stick or wire sparklers which produce a shower of sparks upon ignition and which consist of wire of stick coated with a pyrotechnic mixture; other hand-held or ground-based sparkling devices which are non-explosive and non-aerial, which sometimes produce a crackling or whistling effect, and which contain pyrotechnic mixture per; snakes, glow worms, and smoke devices which contain a pyrotechnic mixture; or trick noisemakers, which include party poppers, snappers and drop pops, which contain a pyrotechnic mixture.

**Sec. 26-43. Penalties.** Whosoever violates section 26-41 or 26-42 of this chapter shall be fined not less than \$100.00 nor more than \$500.00 for the first

offense; not less than \$200.00 nor more than \$500.00 for a second offense, and a mandatory penalty of \$500.00 shall be assessed for a third offense.

**Section 2. Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

**Section 3. Effective Date.** This Ordinance shall become effective immediately upon its adoption by City Council.

ADOPTED BY THE MAYOR AND COUNCIL, this 19 day of OCT, 2020.

ATTEST:

Britney Laurel  
City Secretary

Paul A. King Jr.  
Mayor

APPROVED AS TO FORM:

[Signature]  
City Solicitor

Betty Brant  
Council Member

Robert J. Malinowski  
Council Member

Margaret C. Lewis  
Council Member

[Signature]  
Council Member

First Reading on 9/21/20.

Second Reading, Public Hearing, and Final Passage on 10/19/20.