

Locals Found Ways Around Village's 1940 Fireworks Ban

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Before World War II, New York State did not ban the sale of fireworks. In fact, East Aurorans could easily purchase them at stores along Main Street. However, that changed for the Fourth of July in 1940, after the East Aurora Village Board adopted a law—albeit a law that proved difficult to enforce—banning the sale and use of fireworks within the village limits.

“It is well known that many persons, both children and adults, are maimed, disfigured and seriously and painfully injured each year by the use of fireworks on and around the Fourth of July,” the resolution approved by the Village Board in August 1939 stated. “It is considered by many that the sale and use of fireworks should be totally prohibited in the interest of safe and sane Fourth of July celebrations.”



Local residents and businesses found a simple way around a village ban on the sale and use of fireworks in 1940. At least one local seller simply set up shop just outside the village limits. An advertisement published in the *East Aurora Advertiser* on June 27, 1940, indicated that fireworks for sale on Hamlin Avenue just beyond the village line. The advertisement also indicated that fireworks were available at the W.J. Fox Confectionary Store. Assuming that the store was not exempt from the village law, it's likely the owners developed an arrangement to comply with the ordinance simply by ensuring that fireworks sales were finalized outside the village limits. (From the archives of the Aurora Town Historian's Office).

Although it does not appear any specific incident spurred the Village Board's action, Village Trustee Herman L. Brandt proposed the fireworks ban “to halt danger to children from use of explosives,” according to report of the Village Board proceedings in the *East Aurora Advertiser*.

“Mr. Brandt, in presenting the proposed ordinance to the board, stated that official steps should be taken to halt the danger of burning, maiming and killing of local people from fireworks,” the *Advertiser* added.

At the time, 12 states banned private firework use, but New York did not, Brandt noted.

The village banned the sale and use of fireworks throughout the year, not just in the weeks leading up to Independence Day. Exceptions were made for explosives used in construction work, hunting, target practice and law enforcement, and for professional public displays “where competent fireworks experts will be in charge.” That included the annual display in Hamlin Park sponsored at the time by the American Legion.

Expected opposition to the ban from local

store owners never materialized at a public hearing held Aug. 21, 1939, according to a report in the *Advertiser*.

“(The) only comment, made in an unofficial capacity, on the ordinance during the hearing was by Leonard J. Burns of South Grove Street, who queried the board as to who was going to see to the enforcement of the ordinance,” the newspaper reported. “Mr. Burns was informed that this duty will be up to the police, and when a violation is observed by citizens, it should be reported to the local law enforcement agency as quickly as possible.”

Because nearly a year had passed between the adoption of the ban and the next Fourth of July, village officials made a concerted effort to remind residents of the new ordinance in the weeks leading up to Independence Day 1940. In a warning published on the front page of the July 4, 1940, issue of the *Advertiser*, Lewis V. Fuchs, director of public safety for the village, said “police will rigidly enforce the ordinance, and persons arrested are subject to a fine ranging from a \$5 minimum to a \$50 maximum.” (Adjusted for inflation, that’s \$96 to \$960 in 2021 dollars).

Local residents were encouraged to donate money to the American Legion’s fundraising campaign for the public display in Hamlin Park rather than purchase their own fireworks for backyard displays.

Despite the warnings and pleas, the village’s ban could not stop the private sale and use of fireworks in East Aurora.

The ban only applied to the village, so it didn’t take much creativity for local residents to legally buy fireworks. At least one local seller simply set up shop just outside the village limits.

An advertisement published in the *Advertiser* the week before Independence Day in 1940 indicated that fireworks were for sale on Hamlin Avenue just beyond the village line. The advertisement also indicated that fireworks were available at the W.J. Fox Confectionary Store, located at the time at 228 Main St. Assuming that the store was not exempt from the village law, it’s likely the owners developed an arrangement to comply with the ordinance simply by ensuring that fireworks sales were finalized outside the village limits.

However, no problems with private fireworks were reported in the following week’s issue of the *Advertiser*.

The village’s fireworks ban—and the creative attempts to get around it—lasted only one year. The village law became moot just a few months later, when lawmakers in Albany prohibited fireworks statewide.

“Village as well as rural residents will be barred from selling or using fireworks,” an article in the *Advertiser* noted in the weeks leading up to Independence Day 1941.

According to the newspaper, Mayor A.E. Frantz said that authorities would “enforce this new state-wide prohibition to the limit.”

Robert Lowell Goller is the eighth Aurora town and East Aurora village historian since the office was created in 1919. The Historian’s Office is open for research Wednesdays and Thursdays from 1-4 p.m., and by appointment. Visit www.townofaurora.com/departments/historian for more information. The Office of the Historian can also be found on Facebook at “Aurora Town Historian” and on Instagram at “auroratownhistorian.”