

Ordinance No. 10-003

FIREWORKS

Section 1. FIREWORKS DEFINED. For purposes of this ordinance, the term fireworks shall mean those items as defined by the rules and regulations of the Alabama state fire marshal, and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges.

Section 2. FIREWORKS PROHIBITED.

(a) Except as provided in Sections 3:5; it shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.

(b) Nothing in this ordinance shall be construed as applying to:

- (1) Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
- (2) The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
- (3) The military or naval forces of the United States or of this state while in the performance of official duty;
- (4) Law enforcement officers while in the performance of official duty; or
- (5) The sale or use of blank cartridges for ceremonial, theatrical or athletic events.

Section 3. SAME: EXCEPTIONS; DISCHARGES.

(a) Section 2 of this ordinance shall not apply to the firing or discharge of fireworks in the town between the hours of 10:00 a.m. and 12:00 midnight on July 3rd through July 4th.

(b) The governing body of the town may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property.

(c) It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof.

(d) When the State Fire Marshall's Office issues a ban on the use of fireworks, then Section 3 (a)

shall not apply and the use of fireworks shall be prohibited.

Section 4. SALE OF FIREWORKS PROHIBITED.

(a) It shall be unlawful for any person to sell, display for sell, offer to sell or give away any type of fireworks within the Town corporate limits.

Section 5. PERMIT FOR PUBLIC FIREWORKS DISPLAY REQUIRED.

(a) It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 30 days in advance of the desired display. Approval of the permit shall be by the governing body. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$_100.00, written by an insurance carrier licensed to do business in Alabama, conditioned as being non-cancellable except by giving 10 days advance written notice to the town clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The application for the permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display.
- (4) The date and time of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.
- (7) Anticipated need for police, fire or other municipal services.

(b) No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

Section 6. APPROVED FIREWORKS; BOTTLE ROCKETS PROHIBITED.

(a) All fireworks offered for sale and discharged within the city shall be of a type that has been tested and approved for sale and use within the state by the state fire marshal.

(b) Bottle rockets and other similar self-propelled firework or fireworks devices consisting of a tube and attached guiding stock or rod shall not be sold or discharged in the city.

Section 7. DISCHARGE ON STREETS AND PUBLIC PROPERTY PROHIBITED. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in

any park or public place within the town.

Section 8. THROWING PROHIBITED. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind.

Section 9. RESTRICTIONS AS TO GASOLINE INSTALLATIONS. It shall be unlawful to store, keep, sell, display for sale or discharge any fireworks within 50 feet of any gasoline pump, gasoline filling station, and gasoline bulk station.

Section 10. AUTHORITY OF POLICE. The police department is authorized to seize and confiscate all fireworks which may be kept, stored or used in violation of any section of this ordinance, and all of the rules of the state fire marshal. He or she shall dispose of all such fireworks as may be directed by the governing body unless otherwise needed for evidence in a court proceeding.

Introduced on this 15th day of June, 2010, and passed and adopted on this 15th day of June, 2010, by the following votes:

Ayes: 4

Noes: 0

Absent: Dorothy Johnson and William T. Powers

Mayor Stan Simpson, Mayor

Attest:

Tawnie Bryant, Town Clerk