

ORDINANCE NO. 1787

**AN ORDINANCE TO PERMIT THE SALE
AND USE OF CLASS "C" FIREWORKS IN THE
CITY OF PRICHARD, ALABAMA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD,
ALABAMA, AS FOLLOWS:

ARTICLE I: TYPE OF FIREWORKS

D.O.T. Class C Common Fireworks, as defined in the regulations of the U.S. Department of Transportation for the transportation of explosive and other dangerous articles, are the only class of fireworks permitted to be sold and used in the City of Prichard.

ARTICLE II: WHO CAN SELL FIREWORKS

Section 1: Any of the following persons may sell fireworks after satisfying permit and license requirements of the state fire marshal and the City of Prichard:

(a) **RETAILER.** Any person engaged in the business of making sales of fireworks to consumers within the City of Prichard during a calendar year from January 1 through December 31.

(b) **SEASONAL RETAILER.** Any person engaged in the business of making sales of fireworks to consumers within the City of Prichard during the fireworks seasons only, from permanent buildings or temporary or moveable stands.

(c) **"PERSON"** shall include any corporation, association, partnership, or one or more individuals.

ARTICLE III: ZONES WHERE SALES ARE PERMITTED

The sale of fireworks in the City of Prichard will be permitted in all areas presently zoned M-1, as long as the sales location is at least 100 feet from any business storing or selling gasoline, kerosene, and ammunitions.

ARTICLE IV: TEMPORARY STANDS

(a) Any persons who have obtained a license from the city for the retail sale of fireworks and who uses temporary structure or stands for the operation of such business shall not install or construct said temporary structures more than ten days before lawful seasonal retail sales of fireworks begin and must be dismantled and removed not more than ten days after seasonal retail sales of fireworks end.

ARTICLE V: BONDS

The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Official for the payment of all damages which may be caused either to a person or property by reason of the permitted display, and arising from any acts of the permit holder, his agents, employees or subcontractors, with a minimum bond of \$5,000.00.

ARTICLE VI: DAYS SEASONAL SALES PERMITTED

No SEASONAL RETAILER who is otherwise licensed shall sell any class C common fireworks in the city on any days other than the following FIREWORKS SEASONS:

(1) Independence Day (July 4) and the period of FOURTEEN calendar days prior thereto and SIX days thereafter.

(2) Christmas Day (December 25) through New Year's Day (January 1) and the period of ten calendar days prior to Christmas Day.

ARTICLE VII: HOURS OF SALE

(a) No person, who is otherwise licensed, shall sell any fireworks at any time other than during the hours of 8:00 a.m. to 11:00 p.m. on days authorized for the sale of such fireworks.

(b) No person shall ignite or explode any class C common fireworks in the city between the hours of 10:00 p.m. on one day to 8:00 a.m. on the following day, provided that the period 10:00 p.m. December 31 to 1:00 a.m. January 1 is exempted from this section.

(c) No person shall ignite, shoot or explode any fireworks of any type over or upon private property at which such person does not reside without the written permission of the resident at the property.

(d) No person shall ignite, shoot or explode any fireworks in the city in such a manner as to cause danger to any other person or to property.

ARTICLE VIII: PERMITTED DISCHARGES

(a) No person shall ignite or explode any class C common fireworks in the city at any time except the following:

(1) During the period ten days before and five days after each of the holidays of July 4 and Labor Day.

(2) During the period from December 15 through the next following January 2, both dates inclusive.

(b) On permitted days the igniting or exploding of such fireworks shall occur only between the hours 8:00 a.m. to 10:00 p.m. except for December 31 and January 1, when the permitted hours shall be 8:00 a.m. to 12:00 midnight.

ARTICLE IX: PENALTY FOR VIOLATION

Any violation of any provision of this ordinance shall be subject to, upon conviction, a fine of not less than \$100.00 or more than \$500.00 or imprisoned for not less than 5 days, or more than, 30 days, or both, in the discretion of the municipal court of the City of Prichard, Alabama.

ARTICLE X

NOTHING HEREIN SATED SHALL RELIEVE ANY PERSON FROM FULL AND TOTAL COMPLIANCE WITH ANY AND ALL LAWS OF THE STATE OF ALABAMA REGARDING THE SALE AND USE OF FIREWORKS.

ARTICLE XI: LICENSE FEE

The license fee for any person engaging in firework sales will be \$250.00 per Firework Season, plus .001524 of gross sales.

ARTICLE XII

This Ordinance is to repeal Ordinance #1780.

ARTICLE XIII

This Ordinance, upon its adoption and publication as required by law, shall be effective and operative immediately.

ADOPTED this the 23RD day of NOVEMBER, 1993.

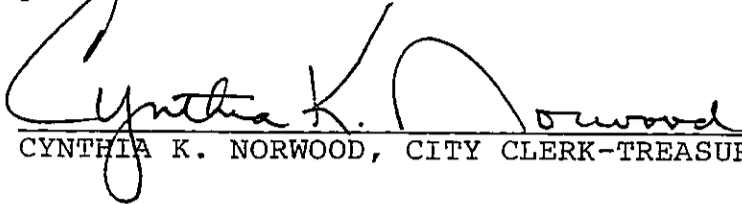
APPROVED:

JESSE M. NORWOOD, MAYOR

ATTESTED:

CYNTHIA K. NORWOOD, CLERK

CLERK'S CERTIFICATE: This Ordinance having been passed by the City Council on November 23, 1993, and not having been returned to me, as City Clerk, by the Mayor with his approval or veto within the ten days after its passage by the Council, in compliance with Title II, Section 45-4, Code of Alabama, 1975, the same has been published as herein provided.


CYNTHIA K. NORWOOD, CITY CLERK-TREASURER

PLEASE PUBLISH: MOBILE PRESS DECEMBER 9, 1993