

The City Clerk then read the following Ordinance:

ORDINANCE NO. 104-85

AN ORDINANCE REGULATING THE MANUFACTURE, SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY OF CORDOVA AND ITS POLICE JURISDICTION.

Nothing in this ordinance shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

BE IT ORDAINED by the Mayor and Commission of the City of Cordova, Alabama, as follows:

SECTION I. DEFINITION - FIREWORKS

FIREWORKS - means and includes any combustible or explosive composition, or any substance or combination of substances or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, conflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns and other devices for use of such caps, the sale and use of which shall be permitted at all times.

SECTION II. MANUFACTURE, SALE AND DISCHARGE OF FIREWORKS.

- a. The manufacture of fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.
- b. Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the City Commission and Police Chief shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in pursuit of their trade. Every such use or display shall be handled by a competent operator approved by the authority having jurisdiction, and shall be of such character and so located, discharged or fired so as not to be hazardous to property or endanger any person.
- c. Applications for permits shall be made in writing at least ten (10) days in advance of the display. After such privilege shall be granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

SOURCE - Standard Fire Prevention Code of Alabama, Chapter 17, pages 93, 94.

State Law References - Fireworks regulation, Code of Ala. 1975 §13-2-130 etc.; fireworks dealer's license, §40-12-102; unlawfully dealing in, Ala. Crim. Code (Acts 1977, No. 607), §5825; maximum authorized storage of explosives in city, Code of Alabama 1975, §13-6-7; fireproof building for storage required, §11-47-12.

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SECTION III. BOND FOR FIREWORKS DISPLAY REQUIRED.

The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the administrative authority for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee, his agents, employees or subcontractors.

SECTION IV. DISPOSAL OF UNFIRED FIREWORKS.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

SECTION V. SEIZURE OF FIREWORKS.

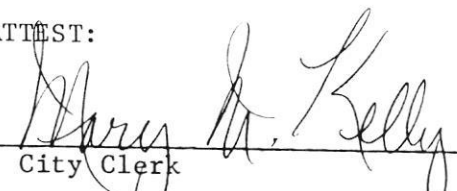
The Police Authority having jurisdiction shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this ordinance.

Any person violating the provisions of this ordinance shall, upon conviction, be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). In addition thereto, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period not exceeding six (6) months, at the discretion of the Court trying the case; provided, however, no penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine or sentence of imprisonment established under State law for the commission of substantially similar offenses.

ADOPTED by the Mayor and Commission of the City of Cordova, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

APPROVED:

ATTEST:

  
City Clerk

  
Mayor, City of Cordova, Alabama

Commissioner Meserole made a motion that unanimous consent be given for immediate consideration of said ordinance, which motion was seconded by Commissioner Kuykendall, and upon being put to a vote, the following voted for the motion: Mayor Stone and Commissioners Meserole and Kuykendall. Nays: None. The Mayor declared the motion unanimously carried.

Thereupon, Commissioner Meserole made a motion that the Ordinance be finally adopted, which motion was seconded by Commissioner Kuykendall. Upon being put to a vote, the following voted for the motion: Mayor Stone and Commissioners Meserole and Kuykendall. Nays: None. The Mayor declared the motion unanimously carried, and the Ordinance finally adopted.