

ORDINANCE NO. 210-07-124

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 14, OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE II, OFFENSES, SECTION 14-42, FIREWORKS, TO PROVIDE THAT THE DISCHARGE, USE AND DISPLAY OF FIREWORKS IS ONLY PERMITTED ON THE SPECIFIC DESIGNATED HOLIDAYS IN ACCORDANCE WITH FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY VICE MAYOR DENISE D. GRANT)

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, THAT:

SECTION 1. The City Code of Ordinances, Chapter 14, Offenses and Miscellaneous Provisions, Article II, Offenses, Section 14-42, Fireworks, is hereby created to read as follows:

Sec. 14-42. Fireworks.

(a) *Definitions.*

(1) The term "fireworks" shall mean and include any combustible or explosive composition, or any other substance or combination of substances, or, except as hereinafter provided, any article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, sky rockets, Roman candles, dago bombs, cherry bombs, ash cans and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance or combustible material.

(2) The term "fireworks" shall not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five-hundredths grain or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty-hundredths grain of explosive mixture, the sale and use of which shall be permitted at all times.

(b) *Sale or display or fireworks.* Except as specifically accepted in this section, it shall be unlawful for any person, firm, copartnership or corporation to offer or advertise for sale or display for sale, sale at retail, or use or explode any fireworks as defined in this section except as provided pursuant to the issuance of permits that is allowed in Chapter 791 of the laws of the State of Florida.

(c) *Discharge, use or display of fireworks.* Pursuant to Florida Statutes, Section 791.08, fireworks may only be discharged, used or displayed on the following

"designated holidays": January 1, July 4, December 31. Any person, firm or corporation who authorizes or discharges, uses or displays of fireworks on any day other than a designated holiday shall be cited and subject to the following penalties.

(e) (d) Exceptions.

- (1) The prohibition of this section shall not apply to the sale of fireworks by wholesalers to each other, or to the sale of fireworks to merchants conducting business entirely without the city, or to the sale by wholesalers for public demonstrations as allowed pursuant to Chapter 791 of Florida Statutes.
- (2) The prohibition of this section shall not apply to the use of explosives for the building of roads and other structures within the city as long as the contractor first applies to the police department of the City of Lauderhill, and after setting forth to them a description of his intended use of explosives, receives a permit to use same. Copy of permit, if obtained, will be forwarded to the fire department of the City of Lauderhill.
- (3) The prohibition of this section (c) shall not apply if the city has approved a special events permit that allows the discharge, use or display of fireworks on alternate dates.

~~(d) (e) Penalties.~~ Any person, firm or corporation found guilty of violating any provision of this section shall be fined in the amount not to exceed five hundred dollars (\$500.00) ~~and shall be subject to imprisonment for a term not to exceed thirty (30) days, or both.~~

SECTION 2. That all Ordinances and parts of Ordinances, all Resolutions or parts of Resolutions, in conflict herewith be and the same are hereby repealed as to the extent of such conflict. All other provisions of existing resolutions that were passed for the creation of existing boards and committees shall remain in full force and effect.

SECTION 3. This Ordinance shall take effect immediately upon its passage.

Dated this _____ day of _____, 2021.

Passed on first reading this _____ day of _____, 2021.

Passed and adopted on second reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

FIRST READING

SECOND READING

MOTION
SECOND

M. DUNN
D. GRANT
L. MARTIN
S. MARTIN
K. THURSON

