



# CITY OF OWENS CROSS ROADS ORDINANCE NO. 23-010

**Replaces Ordinance No. 19-006**

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## **AN ORDINANCE TO REPLACE ORDINANCE NO. 19-006, PERTAINING TO THE SALE AND DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS OF OWENS CROSS ROADS**

### **BE IT ORDAINED BY THE CITY OF OWENS CROSS ROADS THAT:**

It shall be unlawful for any person to manufacture, publicly display, sell or offer for sale within the City of Owens Cross Roads, except as herein expected, any item of fireworks without first having secured the required applicable license from the City.

A manufacturer's license issued under this chapter shall be subject to all rules and regulations promulgated by the state fire marshal to govern manufacture of fireworks as such fire marshal's judgement the public welfare may require, as well as state and local regulations. A license shall not in any manner lessen the responsibility of the manufacturer, distributor, wholesaler, retailer or consumer to acquire whatever permits, licenses, or bonds that may be required by any federal, state, or local agency.

A separate license must be acquired for each location at which fireworks are to be offered for sale and no license shall be transferable to another person to location. No license provided for herein shall be considered until the City is in receipt of a copy of the approved and numbered state fireworks permit as issued by the state fire marshal. No license shall be issued to any person under 18 years of age.

No license for retail sale shall be issued for the sale or display for sale of fireworks from tents or form or in a motor vehicle or from a trailer towed by a motor vehicle. No license shall be issued until the premises of the applicant have been inspected by the fire official and it shall have been determined that such building and facilities within the building meet reasonable safety standards for the storage and sale of permissible fireworks. Application for a license for public display permit must be presented at the time of application along with the time and date of the display. Possession and sale of special fireworks shall be limited to those persons in possession of a current federal license issued for display fireworks.

### **PERMITTED ITEMS:**

It shall be unlawful for an individual, firm, partnership or corporation to possess, sell or use within the City limits of Owens Cross Roads, any pyrotechnics commonly known as "fireworks" other than items now or hereafter classified as Class C, Common Fireworks, by the U. S. Department of Transportation and/or restrictions promulgated by the U.S. Consumer Product Safety Commission and permitted for use by the general public under its regulations. Permitted items designed to produce an audible effect are confined to small ground items which include firecrackers not over 1 ½ inches in length and one-quarter inch in diameter and containing not over 50 milligrams of explosive composition. Permitted aerial devices also include those containing not over 130 milligrams or

OWENS CROSS ROADS CITY COUNCIL  
ORDINANCE NO. 23-010  
FIREWORK REGULATIONS

explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur and potassium nitrate are not considered as designed to produce an audible effect.

Items permitted and for which a permit is required shall include related items not classified by the U.S. Department of Transportation as Common Fireworks, but identified under their regulations as trick noisemakers, toy novelties, toy smoke devises, and sparklers, and shall include toy snakes, snappers, auto burglar alarms, smoke balls, smoke novelty items, and wire sparklers containing not over 100 grams of composition per item. Sparklers containing any chlorate or per chlorate salts may not exceed five grams of composition per item.

**REGULATIONS and TIMES FOR USE:**

Individual Use Regulations –Any person igniting or exploding fireworks must be at least 16 years of age and of responsible character. No fireworks may be exploded or ignited within 600 feet of any hospital, asylum, nursing home, church, school or public assembly while in use or within 300 feet of where fireworks are stored, sold or offered for sale. In no case shall any person ignite or discharge any permitted article of fireworks within or throw the same from a motor vehicle or building, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle or building, or at or near any person or animal or group of people or animals.

Fireworks can only be ignited one week prior to a holiday and one week after a holiday. Holidays listed are: Memorial Day, Fourth of July, Labor Day and New Year's Day. On New Year's Day nothing after 12:30 AM. Sunday through Thursday, nothing after 10 PM and Friday and Saturday, nothing after Midnight.

**Penalties for violation of this ordinance will be as follows:**

- 1<sup>st</sup> offense: warning with request to stop shooting fireworks
- 2<sup>nd</sup> offense: \$25 fine with request to stop shooting fireworks
- Each offense following the 2<sup>nd</sup> offense is considered a separate offense and will result in a \$25 fine

All offenders will also be required to clean up any mess or damage that the fireworks cause.

This change will take effect upon the adoption of this ordinance by the City Council.

**ADOPTED AND APPROVED THIS 12<sup>th</sup> DAY OF SEPTEMBER, 2023.**

  
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**Tony K. Craig, Mayor**

  
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**ATTEST: Christie D. Eason, City Clerk**



**City of Owens Cross Roads, Alabama, certificate of publication.**  
This is to certify that Ordinance No. 23-010, City of Owens Cross Roads, Alabama, was published by posting on the City website, and on FIVE (5) bulletin boards within the City.