

ORDINANCE 2009-05

**AN ORDINANCE RESTRICTING THE DISCHARGING OF FIREWORKS
INSIDE THE CITY LIMITS OF SPRINGVILLE, ALABAMA**

RECITALS:

WHEREAS, the city of Springville, Alabama (the “City”) desires to protect the health and safety of its citizens along with the peaceful enjoyment of its citizens’ property by restricting; and

WHEREAS, the City intends by this Ordinance to limit and restrict the time during the day when fireworks may be discharged inside the city limits; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springville, Alabama, as follows:

Section 1. Definitions.

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (1) “Firework” means any item or object which consists in whole or in part of a packaging of chemicals designed to create a loud and/or bright explosion upon being lit or discharged in any other manner.

Section 2. Restriction on time and use of fireworks

Fireworks may only be discharged between the hours of 5:00 p.m. and 9:30 p.m. on all days other than listed holidays set forth herein.

Section 3. Holidays

Notwithstanding the above, fireworks may be discharged on the following dates at the set forth times:

- a. December 31st after the hour of 5:00 p.m.
- b. January 1st between the hours of 12:00 a.m. and 1:00 a.m.
- c. July 4th after the hour of 5:00 p.m.
- d. July 5th between the hours of 12:00 a.m. and 1:00 a.m.

Section 4. Variance

Upon the making of an application to the Fire Chief, or his/her designee, an individual or entity may be granted a variance in the form of a permit (the "Permit") to discharge fireworks at a date and time not set forth above. Prior to approval of the application, the Fire Chief, or his/her designee, shall inspect the area upon which the applicant proposes to discharge said fireworks to ensure the safety of the proposed location and nearby property. The Permit shall prescribe the location, date, time and permitted discharger of the fireworks. Absent exigent circumstances, no permit shall be granted for any fireworks to be discharged between the hours of 1:00 a.m. and 5:30 p.m. Any individual found discharging fireworks at a date and time not set forth in Sections 2 or 3 of this Ordinance or in compliance with a valid Permit shall be in violation of this Ordinance.

Section 5. Penalties.

Any person who shall violate or permits the violation of any provision of this Ordinance or shall do any act prohibited hereby shall, upon conviction thereof, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed one hundred eighty (180) days or by both such fine and imprisonment. Each day on which a violation occurs or continues to occur shall be deemed a separate offense.

Section 6. Severability.

If any provision of this Ordinance be declared unconstitutional or held invalid by a court of competent jurisdiction, such shall not affect any other provision thereof, but the same shall remain in full force and effect.

Section 7. Effective Date.

The provisions of this Ordinance shall become effective immediately upon its passage and approval by the Mayor and Council of the City.

ADOPTED and APPROVED this the 20th day of July, 2009.

CITY OF SPRINGVILLE, ALABAMA

By: _____
William Isley,
Mayor

ATTEST:

Brenda Roberts, City Clerk

CERTIFICATION

I, the undersigned, City Clerk of the City of Springville, Alabama, do hereby, certify that the above is a true and correct copy of an Ordinance duly adopted by the City Council at its meeting held on 20th day of July, 2009 and as same appears of record in Minute Book of said City, and approved by the City Council on the 20th day of July, 2009.

GIVEN UNDER MY HAND AND CORPORATE SEAL of the City of Springville, Alabama, this 20th day of July, 2009.

Brenda Roberts, City Clerk