

Ordinance Prohibiting the sale and use of Fireworks in the City of Senatobia

Whereas, the Mayor and Board of Aldermen of the City of Senatobia, Mississippi, having made due investigation and on recommendation of the Senatobia Fire Department, have determined that the sale, possession and use of fireworks needs to be regulated for the protection of the public health, safety and welfare, and that the existing ordinances addressing this subject are outdated and in need repeal, and

Whereas, it is provided in Section 21-19-15 of the Mississippi Code Annotated, 1972, that the governing authorities of a municipality in Mississippi have the power to prohibit or regulate the sale or use of firecrackers, roman candles, torpedoes, skyrockets, and any and all explosives commonly known and referred to as fireworks.

Therefore, be it ordained by the Mayor and Board of Aldermen of the City of Senatobia, Mississippi:

Section 1. Short Title

That this shall be known as the Fireworks Ordinance, and the following sections of this ordinance be adopted and enforced in the City of Senatobia.

Section 2. Definitions

For the purpose of this ordinance, the following definitions shall apply when used herein:

- a. City means the City of Senatobia and any and every place within the corporate limits of the City.
- b. Fireworks means firecrackers, roman candles, torpedoes, skyrockets, and any and all explosives commonly known and referred to as fireworks; the term "fireworks" shall not include auto flares, toy pistols, toy canes, toy guns, and other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used, or toy pistol paper caps manufactured as provided under the law, the use of which shall be permitted at all times.

Section 3. Sale or Use of Fireworks

It shall be unlawful for any person, corporation, association, or other entity to sell or discharge fireworks within the municipal corporate limits of the city except as herein provided by special supervised public display permit.

It shall further be unlawful to do damage to or interfere with the use of occupation of public or private property with said fireworks.

Section 4. Special Supervised Public Display Permit

Any person, corporation, association, or other entity shall be allowed to obtain a permit for a supervised public display of fireworks at a cost of three hundred dollars (\$300.00), payable to the City of Senatobia, after having met the following conditions:

1. **Application**. Within ten (10) days of the scheduled supervised public display of fireworks, the applicant shall complete the application, which shall be obtained from the Fire Department and shall state that the applicant will comply with all fire and safety regulations as set forth by the Fire Department and brought to the attention of the applicant.
2. **Bond**. The applicant shall obtain a bond in a minimum amount of one hundred thousand dollars (\$100,000.00) to satisfy claims for damages to property or personal injuries arising out of any act or omission as a result of the supervised public display of fireworks event.
3. **Standby Firefighters**. Pay fees to the City of Senatobia in a total amount for hourly rates as set by the Fire Department and approved by the Mayor and Board of Aldermen (subject to adjustment by the Mayor and Board) for each piece of fire equipment and personnel deemed necessary by the Fire Chief or Fire Inspector, per event.

If, in the opinion of the Fire Official, emergency conditions exist which warrant the immediate revocation of the supervised public display permit without prior notice, all money shall be returned to the applicant.

Section 5. Violations and Penalties

Any person, firm, partnership, or corporation who shall knowingly and willfully violate the terms, conditions, or provisions of this Ordinance for violation of which no criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of One Thousand dollars (\$1,000.00 and/or imprisonment in Tate County Jail not to exceed thirty (30) days. In case of continuing violations without reasonable effort on the part of the defendant to correct the same each day the violation continues thereafter shall be a separate offense.

Section 6. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Repeal of Prior Ordinances

Any and all ordinances or parts of ordinances of the City in conflict herewith are hereby repealed.

Section 8. Ordinance Repealed

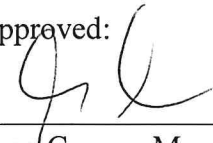
Any and all ordinances or parts of ordinances of the City in conflict herewith are repealed.

Section 9. Effective Date

This ordinance shall be in full force and effective thirty days after passage and being published according to the law.

Motion was made by Alderman Hale and seconded by Alderman Simpson to waive the reading and adopt this the Ordinance prohibiting the use and sale of fireworks in the City. After receiving the affirmative unanimous vote of the Aldermen present and voting, the Mayor declared the motion carried and Ordinance adopted this the 16th day of May, 2023.

Approved:



Greg Graves, Mayor

Attest:



Katie Harbin, City Clerk

