

1st reading  
May 15, 2001

## ORDINANCE NO. 73

AN ORDINANCE TO RESTRICT THE USE AND PROHIBIT THE SALE OF FIREWORKS OR PYROTECHNICS WITHIN THE TOWN OF DAUPHIN ISLAND, ALABAMA.

NOTE: Nothing in this ordinance shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama as follows:

1. Definitions. Meaning of "fireworks" whenever used in this ordinance shall mean all articles of fireworks as are now or hereafter classified as U.S. Department of Transportation Class C common fireworks in the regulations of the U.S. Department of Transportation for the transportation of explosives and other dangerous articles.
2. Definitions. Meaning of "Special Fireworks" whenever used in this ordinance shall mean all articles of fireworks that are classified as Class B explosives in the regulations of the U. S. Department of Transportation, including all articles classified as fireworks other than those classified as Class C.
3. It shall be unlawful for any person, firm or corporation to sell, ignite, explode or discharge any Class C pyrotechnics or fireworks within the Town limits of the Town of Dauphin Island, Alabama.
4. It shall be unlawful to sell, possess, or use Class B fireworks unless a proper permit is obtained from the Town Council of the Town of Dauphin Island, Alabama, and upon the recommendation of the Fire Chief for said Town. Application for permits shall be made in writing at least 10 days in advance of the date of the display. A permit shall be granted only to a competent operator approved by the Fire Chief and use of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. A permit must be obtained from the Town Council of the Town of Dauphin Island and upon the recommendation of the Fire Chief to use any fireworks or pyrotechnic special effects material in connection with motion picture, television, theatrical or group entertainment production. A permit shall be granted only to a competent operator approved by the Fire Chief. When binary explosives are used, the compounding and firing is to be done by a pyrotechnic special effects operator approved by the Fire Chief. Fireworks may be cancelled at any time at the discretion of the Fire Chief.

5. The foregoing restrictions are cumulative and in addition to the prohibitions and penalties provided in Code of Alabama, 1975, Title 8, Section 17-210 through 225.
6. Penalty. Any person, firm, partnership or corporation that violates any provision of this ordinance shall upon conviction be punished by a fine of not less than \$100.00 nor more than \$500.00 or imprisonment for a term not to exceed thirty (30) days or both, at the discretion of the Court.
7. Following its adoption and posting as required by law, this ordinance shall become effective the 12<sup>th</sup> day of June, 2001.
8. All ordinances or code provisions in conflict herewith are hereby repealed.

Adopted and approved this 5<sup>th</sup> day of June, 2001.

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Mayor

ATTEST;

Ginger Simpson  
Clerk

TOWN OF DAUPHIN ISLAND, ALABAMA

Certificate of Publication

This is to certify that Ordinance No. 73, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from June 12, 2001 to June 16, 2001.

Ginger Simpson  
Ginger Simpson  
Town Clerk