



ORDINANCE NO. 98-15

**AN ORDINANCE PROHIBITING THE SALE, DISPENSING, OR USE OF FIREWORKS AS DEFINED HEREIN; PROVIDING PENALTIES; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Governor of the state of Florida has executed a "No Burn" requirement throughout the state of Florida; and

WHEREAS, Nassau County has declared a State of Emergency pursuant to Florida Statutes 252.38(6)(e); and

WHEREAS, the danger of fires is at a heightened level in Nassau County; and

WHEREAS, the Board of County Commissioners finds that prohibiting the sale and use of and dispensing of fireworks is necessary for the protection of property and lives of the residents of Nassau County, Florida; and

WHEREAS, the Board of County Commissioners deems this to be an emergency.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 23<sup>rd</sup> day of June, 1998, as follows:

**SECTION 1.**

This Ordinance shall be known as the "Fireworks" Ordinance.

**SECTION 2.**

It shall be unlawful to sell, dispense or use fireworks within the confines of the unincorporated and incorporated limits of Nassau County, Florida.

**SECTION 3.**

Fireworks shall mean and include any combustible or explosive composition or substance or combination of substances or, except as hereinafter provided, any article prepared for the purpose of producing

*Rescinded By  
Ordinance 98-25*

a visible or audible effect by combustion, explosion, deflagration, or detonation. The term includes blank cartridges and toy cannons in which explosives are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, roman candles, dago bombs, sparklers, and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance.

**SECTION 4.**

The ban on the sale, dispensing, or use of fireworks shall take effect on this date and extend until the 1<sup>st</sup> day of September, 1998. Should the Board of County Commissioners find it necessary to continue the ban on fireworks described herein then the Board shall take the action necessary on or before September 1, 1998.

**SECTION 5.**

The provisions of this ordinance shall be widely distributed throughout Nassau County and publicized in all available publications and the County Coordinator shall ensure that there is the widest distribution of the contents of this ordinance.

**SECTION 6.**

Any person, firm, or corporation who violates any section of this Ordinance, shall be punished according to law and upon conviction for such offenses, shall be punished by a fine, not to exceed Five Hundred Dollars (\$500.00) or by imprisonment, not to exceed sixty (60) days in the county jail, or both. Each day of continued non-compliance or violation shall constitute a separate offense.

Nothing contained shall prevent the county from taking such other lawful action in any court or competent jurisdiction as is necessary to prevent or remedy any refusal to comply with, or violation of, this Ordinance. Such other lawful action shall include, but shall not be

limited to, an equitable action for injunctive relief or any action at law for damages.

**SECTION 7.**

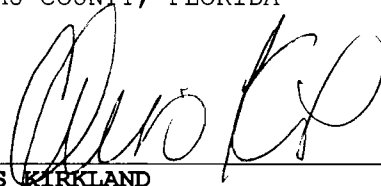
In the event this Ordinance conflicts with any other Ordinance of Nassau County or other applicable law, the more restrictive shall apply.

If any phase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

**SECTION 8.**

This Ordinance shall take effect when a copy has been accepted by the Postal Authorities of the Government of the United States for special delivery by certified mail to the Department of State.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

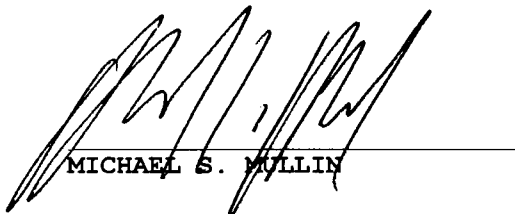


CHRIS KIRKLAND  
Its: Chairman

ATTEST:

*J. Moxley, Jr., Clerk,*  
*by J. M. Oxley, Jr., DC*  
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J. M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney:

  
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MICHAEL S. MULLIN