

ORDINANCE NO. 98-16

AN ORDINANCE AMENDING ORDINANCE NO. 98-15 WHICH PROHIBITED THE SALE, DISPENSING, OR USE OF FIREWORKS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, adopted Ordinance No. 98-15 on June 23, 1998; and

WHEREAS, the Board believes that public fireworks displays may occur under certain conditions; and

WHEREAS, this amendment will not endanger the property and lives of the citizens of Nassau County, Florida.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida, this 26th day of June 1998, that Ordinance No. 98-15 is hereby amended as follows:

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 except pursuant to a permit.

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 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.

Fireworks displays shall mean organized fireworks productions for the 4th of July wherein a licensed/competent company is engaged to produce the fireworks display.

SECTION 5. PERMIT.

1. Fireworks displays may take place pursuant to a permit issued by Nassau County through its Fire Chief.
2. The applicant shall provide the following information to the Fire Chief:
 - a. The name of the company that is conducting the fireworks display for the applicant;
 - b. A copy of any licenses held by the corporation;
 - c. A copy of the contract between the corporation and the applicant for the fireworks display;
 - d. Times on the 4th of July that the fireworks display will occur;
 - e. The exact location of the area where the fireworks will be launched and the direction and height of the launching;
 - f. Number of individuals involved in the launching and the exact plan for launching the fireworks and the safeguards that will be employed by the corporation during the launching;
 - g. Providing a hold harmless agreement between the applicant, the corporation and Nassau County holding Nassau County harmless;
 - h. Information as to fire suppression apparatus or contingencies for said apparatus;

- i. A list of the types of fireworks that will be utilized.
3. The corporation conducting the fireworks display shall be governed by the National Fire Protection Association (NFPA) 1123 Code for Fireworks Displays, 1995 Edition and rules and regulations in effect promulgated by the state Fire Marshall or the American National Standard Institute.
4. The county Fire Chief may impose requirements deemed necessary for the protection of property and said requirements shall be in writing and provided to the applicant.
5. The applicant shall provide a copy of the information set forth in Paragraph 2 to the Sheriff of Nassau County, and the county Fire Chief, Mike Greene, shall consult with the Sheriff.
6. The outdoor fireworks display will only be permitted if, at a minimum, the fireworks are launched on the Atlantic Ocean beach at a sufficient distance from the upland areas as determined by the Fire Chief and the projectory shall ensure that the launching of the fireworks is over the Atlantic Ocean. The upland areas behind the launch area must be irrigated on a daily basis.
7. The applicant shall provide the required information to the Fire Chief at least seventy-two hours prior to the proposed time on July 4 for the fireworks display. The Fire Chief may require a meeting with the applicant and/or corporation and view of the location. The Fire Chief shall approve or disapprove the applicant's request within twenty-four (24) hours of the requested time for the fireworks display.

8. The Fire Chief shall have the sole authority to grant or deny the permit and again, may impose conditions or requirements for the issuance of the permit. The Fire Chief will, among other things, take into consideration wind velocities and wind directions.

9. If a permit is denied, the applicant may file an appeal with the Board of County Commissioners and the appeal will be heard by the Board as soon as the Chairman can obtain a quorum, but in any event, no later than ten (10) days from the date of the appeal being filed. The appeal would be filed with the Clerk's Office.

SECTION 5. SECTION 6.

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. SECTION 7.

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 herein 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. SECTION 8.

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. SECTION 9.

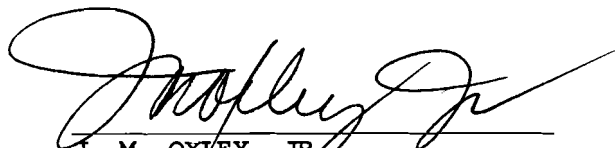
This Ordinance shall take effect when a copy has been accepted by the Postal Authorities of the Government of the United States for special delivery by certified mail to the Department of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



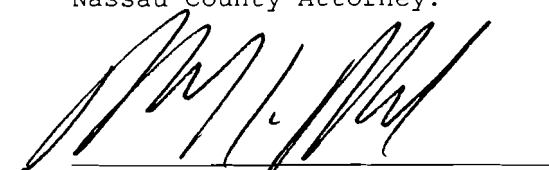
CHRIS KIRKLAND
Its: Chairman

ATTEST:



J. M. OXLEY, JR.
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney:



MICHAEL S. MULLIN