

ORDINANCE 96-006  
FIREWORKS

AN ORDINANCE TO PROVIDE FOR THE SALE OF FIREWORKS, PROCEDURES FOR APPLICATION FOR LICENSE TO SELL FIREWORKS, THE LICENSING OF PERSONS/BUSINESS TO SELL FIREWORKS, ESTABLISHING FEES REQUIRED TO SELL FIREWORKS WITHIN THE CITY, STRUCTURE AND LOCATION OF BUSINESS, RESTRICTIONS ON THE SALE OF FIREWORKS, VIOLATIONS OF RESTRICTIONS AND PENALTIES, AND PROVISION FOR THE RIGHT OF THE CITY COUNCIL TO REVOKE A FIREWORKS LICENSE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VINCENT, ALABAMA AS FOLLOWS:

SECTION 1. SALE AND DISTRIBUTION OF FIREWORKS. Establishing and providing for the wholesale and retail sale of fireworks within the city limits of the Town of Vincent.

SECTION 2. LICENSE REQUIREMENT. A license will be required as per license schedule.

A. Application for town license must be submitted to Town Clerk before the license can be granted.

B. The license is not assignable or transferable. Information concerning application for license shall be maintained and made available in the city clerk's office and the city clerk is authorized to develop forms for license application.

C. Each applicant shall provide current certified information from the county clerk and/or the Secretary of States Office proving validity of business in good standing within the State of Alabama at the time of application. Applicant should have been in business within the city for at least one year and provide current and valid state, county and city sales tax number. (Al Code 8-17-217)

SECTION 3. FEES Application for license shall be accompanied by appropriate fee as follows:

- 1) Distributor.....\$100.00+fee
- 2) Retailer..... \$100.00+fee
- 2) Retailer after July 10....\$ 50.00+fee

SECTION 4. LOCATION OF STRUCTURE

A) Each license granted shall be for one location identified by address or other suitable area description of the application.

B) All structures used for the sale of fireworks shall be located and set back at least twenty-five (25) feet from the nearest right of way line of any public right-of-way and be located and set back at least one hundred (100) feet from any residential structure, and be located and separated from any permanent building structure by a minimum of (50) feet.

SECTION 5. RESTRICTIONS

1) No person shall possess, sell, offer for sale, bring into the city or discharge fireworks other than permissible fireworks. (Permissible meaning authorized for sale subject to the State Fire Marshals rules and regulations).

2) Fireworks shall not be ignited or exploded within 200 feet of the structure from which the fireworks were stored, sold or offered for sale, no less than 50 feet from any establishment engaged in the sale of gasoline, diesel fuel or other flammable petroleum products, within 600 feet of any church, public school or other building. No person shall ignite or discharge any fireworks within or throw from a motor vehicle, nor shall any person place or throw any ignited article of fireworks into a motor vehicle, or at or near any person or group of people. (Al Code 8-17-222).

3) It shall be unlawful to sell or offer for sell fireworks to persons under the age of sixteen unless accompanied by an adult or to an intoxicated or irresponsible person. A purchaser of fireworks shall be required to show a valid drivers license or a state approved identification card. (Code of Al. 8-17-222)

SECTION 6. VIOLATIONS AND PENALTIES. Any person or any licensee who violates any of the provisions of this ordinance shall be ticketed and required to appear in municipal court. If convicted of a misdemeanor shall be fined not less than \$100.00 and not more than \$1,000.00 at the discretion of the court.

In addition to any fine, any person/business who is licensed to sell fireworks shall be subject to the revocation of such license. Upon a valid citation written by a Alabama Law Enforcement officer being filed with the city clerk in writing, the selling of fireworks should be immediately suspended until the court appearance. Upon conviction in municipal court, the city clerk shall notify the licensee in writing to appear at his hearing before the city council for the licensee to show cause why the license shall not be revoked. The hearing will be held at the next regularly scheduled council meeting after conviction. The council shall conduct a special hearing to determine whether the license shall be revoked. The licensee shall appear in person or be represented by his attorney. Should the license be revoked no refund of any portion of the license fee shall be made to the licensee.

SECTION 7. This Ordinance shall take effect after the first and second reading at council meeting, approval of the council and posting in three public places for five days publication as required by law.

Passed and approved on 9<sup>th</sup> day of September 1996.

Eddie Elliott  
Mayor

ATTEST:

Mary Lee Reynolds  
Town Clerk

First Reading: 8-27-96

Second Reading: 9-9-96

Posted: 9-10-96