

PROPOSED
ORDINANCE NO. 30-20

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 14-2-68 OF THE CODE OF THE CITY OF PENSACOLA, STATE OF FLORIDA, CREATING EXEMPTIONS TO THE PROHIBITION ON THE USE OF FIREWORKS FOR CERTAIN DESIGNATED HOLIDAYS. PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 791.08, Florida Statutes, took effect on April 8, 2020; and

WHEREAS, section 791.08, Florida Statutes, recognizes three holidays during the year where citizens may be more inclined to use fireworks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That Section 14-2-68 of the Code of the City of Pensacola shall be amended to read as follows:

Sec. 14-2-68. - Discharge of fireworks.

It shall be unlawful for any person to discharge or explode in or upon any street, public way or park within the city, or upon any private premises within the city, any fireworks of the character defined in section 14-2-67, unless the discharging or exploding be performed under the direction, supervision and control of the chief of the fire department and a permit has been issued by the chief of the fire department so to do; provided, however, that nothing contained herein shall prohibit the use of what are commonly known as "sparklers" as defined in F.S. § 791.01(8). Further, use of fireworks of the character defined in section 14-2-67 shall be permissible without the necessity of a permit on the following holidays:

(a) New Year's Day, January 1;

(b) Independence Day, July 4; and

(c) New Year's Eve, December 31.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or

unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk