



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 30-20

City Council

5/28/2020

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Andy Terhaar

SUBJECT:

PROPOSED ORDINANCE NO. 30-20 AMENDING SECTION 14-2-68 OF THE CODE OF THE CITY OF PENSACOLA, CREATING EXEMPTIONS TO THE PROHIBITION ON THE USE OF FIREWORKS FOR CERTAIN DESIGNATED HOLIDAYS..

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 30-20 on first reading:

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.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Currently, City Code Section 14-2-68 reads as follows:

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).

On April 8, 2020, Governor DeSantis signed into law F.S. 791.08, wherein three holidays are recognized as holidays where citizens may be more inclined to use fireworks to celebrate the holiday. The revisions to the ordinance would allow persons to use fireworks within the city limits on those three holidays without obtaining a permit. The three holidays are:

- (a) New Year's Day, January 1;
- (b) Independence Day, July 4; and
- (c) New Year's Eve, December 31.

PRIOR ACTION:

February 10, 1994 - Section 14-2-68 of the City Code was adopted.

April 8, 2020 - Governor DeSantis signed into law F.S. 791.08

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 30-20
- 2) F.S. 791.08

PRESENTATION: No