

## MADISON COUNTY FIREWORKS ORDINANCE

### SECTION 1902 – CONDITIONAL USES

#### F. FIREWORKS STANDS. (SEE SECTION 1906)

### SECTION 1906 - FIREWORKS

#### **Section 1: Manufacture, Sale, Use, Possession and Storage**

The manufacture, sale, use, possession and storage of Common Class C Fireworks and low explosives shall be in accordance with the laws of the State of Mississippi, specifically Section 45-13-1 and Title 45, Chapter 13, Article 1 of the Mississippi Code of 1972, as amended and the County's current adopted codes and ordinances.

#### **Section 2: Sale from Temporary Structures**

The sale of fireworks from or out of temporary structures within the unincorporated areas of Madison County will be allowed. Temporary structures are structures without foundations or footings and are removed when the permitted activity or use for which the structure was erected or placed has ceased. Temporary structures include by way of example, such things as stands, construction trailers, tents and other portable or non-permanent types of structures. These structures must be at least seventy-five (75) feet distance from buildings, gasoline pumps, diesel pumps or storage facilities.

#### **Section 3: Sale from Permanent Building or Structure**

The sale of fireworks from or out of a permanent building/structure within the unincorporated areas of Madison County is prohibited.

#### **Section 4: Planning and Zoning**

The Madison County Zoning Ordinances require a conditional use permit from the Madison County Planning and Zoning Department for fireworks stands in the C-2 Commercial District (application with that office is required). The Zoning Administrator shall certify through the Planning and Zoning Department that the fireworks structure is located in the proper district.

#### **Section 5: Building Permit and Fees**

Any person or corporation prior to setting up a temporary structure must first obtain a building permit from the Madison County Planning and Zoning Department. The fee for the building permit for a temporary structure shall be \$500.00. A separate permit shall be required for each location and sales period. A new permit shall be required each time a temporary structure is set up. A permit must be applied for a minimum of thirty (30) days prior to opening date for that sales period.

## **Section 6: Privilege Tax License**

Any person or corporation prior to selling fireworks and prior to occupancy of an approved fireworks structure shall obtain a privilege tax license from the Madison County Tax Collector's office and furnish a copy to the Madison County Planning and Zoning Department. A separate privilege tax license shall be required for each location and sales period.

## **Section 7: General Liability Insurance**

At the time of building permit application and prior to building permit issuance, the applicant must furnish to the Madison County Code Administration proof of a general liability insurance policy coverage of one hundred thousand dollar (\$100,000.00) per event and/or accident, or an amount deemed adequate by the Fire Official, for the purpose of the payment of all damages to persons or property which arise from or are caused by the conduct of any act authorized by the permit upon which any claim or judgment results.

## **Section 8: Sales Period**

In accordance with Section 45-13-9 of the Mississippi Code of 1972, as amended, no fireworks shall be sold or offered for sale at retail before the fifteenth (15<sup>th</sup>) day of June and after the fifth (5<sup>th</sup>) day of July and before the fifth (5<sup>th</sup>) day of December and after the second (2<sup>nd</sup>) day of January of each year.

## **Section 9: Displays/Exhibitions**

A fireworks display is a presentation of fireworks for public or private gatherings. Any person, firm, partnership, entity or corporation wanting a public fireworks display/exhibition shall apply for permission through a written request to the Madison County Fire Official. The written request shall have the name of the person or entity; place where the display will be, date, time and who is in charge of the display. Before authorization is given, the person applying for the display shall show proof that they have at least a one hundred thousand dollar (\$100,000.00) general liability/accident policy and show proof that they are experienced in the handling of fireworks and/or displays and the members of the public attending such exhibitions shall be kept at a safe distance therefrom as determined by the Madison County Fire Official. Any fireworks held in storage for such exhibitions shall be kept in a closed box until removed therefrom for firing. When anyone applies for a fireworks display/exhibition permit (must be applied for a minimum of thirty (30) days prior to the event), a diagram of the location at which the display will be conducted, including the site from which the fireworks will be discharged, location of the buildings, roads/highways, overhead obstructions, utilities and the lines which the audience will be restrained. Approved displays/exhibitions shall be handled by competent operators and they shall be able to demonstrate knowledge of all safety precautions related to storage, handling or use of fireworks and be at least twenty-one (21) years of age. The fireworks shall be arranged, located, discharged and fired in a manner that will not pose a hazard to life or property. Spectators, spectator parking areas, buildings or structures shall not be located within the display site. The Madison County Fire Official's office shall have the authority to authorize

or deny the request. All necessary and reasonable precautions must be taken by the County, as well as by the person in charge, to prevent fire or injury from such displays. If the display is not set up properly and/or could cause harm to the handlers or the public, it will be shut down. The Madison County Fire Official's office shall inspect all fireworks displays/exhibitions once display is set up to discharge.

### **Section 10: Ignited or Discharged**

It shall be unlawful for anyone to discharge fireworks as defined in this ordinance prior to the fifteenth (15<sup>th</sup>) day of June and after the fifth (5<sup>th</sup>) day of July and before the fifth (5<sup>th</sup>) day of December and after the second (2<sup>nd</sup>) day of January of each year unless authorized by the Madison County Board of Supervisors.

### **Section 11: Unlawful to Explode in Certain Places**

It shall be unlawful to ignite or discharge fireworks of any type within six hundred (600) feet of any church, hospital or school, or within seventy-five (75) feet of where fireworks are stored or offered for sale. Fireworks shall not be sold or displayed within seventy-five (75) feet of gasoline, diesel pumps or storage facilities, or any other type building or business. The Fire Official's office may grant exceptions providing the safety of the citizens are taken into consideration and the owner of the business does not have a problem with the stand being closer than seventy-five (75) feet from the business.

It shall be unlawful to explode any fire-crackers, roman candles, torpedoes, sky rockets and any and all explosives commonly known and referred to as "fireworks" within seventy five (75) feet of any railroad depot, cotton or hay warehouses, wood yards, fireworks stands, child care facility, propane gas tank, gas or propane gas distributor, wholesaler, retailer, seller or storage facility. It shall also be unlawful to ignite or discharge the same within or throw the same from or into or at any motor vehicle.

### **Section 12: Unlawful to Explode or Sell During Burn Ban**

It shall be unlawful to sell, ignite and/or discharge any type of fireworks at any time when the Madison County Fire Official/Madison County Board of Supervisors and/or the Mississippi Forestry Service declares a "No Burn Order" due to atmospheric and/or ground conditions in the unincorporated areas of Madison County. There shall be no firework displays/exhibitions during this time, unless so authorized by the Madison County Board of Supervisors. All permits issued prior to the burn ban shall be suspended until the burn ban is cancelled. Should a permit be cancelled due to a burn ban, refund requests may be presented to the Board of Supervisors.

### **Section 13: Inspection of Fireworks Stands**

It shall be unlawful for any person, firm, partnership, entity or corporation to sell or offer for sale any type of fireworks until the Madison County Planning and Zoning Department and/or

Madison County Fire Official's office inspects and approves all facilities for occupancy. If any violations are found they shall be fixed prior to allowing the stand to open.

#### **Section 14: Revoking a Permit**

The Madison County Planning and Zoning Department and/or Madison County Fire Official's office may revoke a permit issued under this ordinance without notice when it is found by inspection or otherwise that any one of the following conditions exist:

- A burn ban is in effect;
- The permit is used for a location other than that for which it is issued;
- The permit is used for a condition or activity other than that listed in the permit;
- Conditions and limitations set forth in the permit have been violated;
- There have been false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit;
- The permit is used by a different person or firm other than the name for which the permit was issued;
- Violations of any section of this County's Ordinance, current adopted version of the International Building and/or Fire Codes or any other applicable Mississippi Statutes and Laws.

#### **Section 15: Signs and Fire Extinguishers**

Fireworks shall be stored in a room set aside for storage of fireworks only and shall have a sign over the entrance that reads, "Fireworks – No Smoking – Keep Open Flames Away". There shall be no less than two (2) approved fire extinguishers kept in close proximity to the stock of fireworks where they are sold. Signs reading, "Fireworks for Sale – No Smoking Allowed" shall be displayed in the temporary structure that is selling and/or displaying fireworks.

#### **Section 16: Use of Heating Equipment in Sales Area**

The use of any type of heating devices, such as electric heaters, gas or kerosene heaters or any other device that could provide a way to ignite the fireworks shall be prohibited and not be used within the area where fireworks are being sold, displayed and/or stored.

#### **Section 17: Smoking in Sales Area**

Smoking, matches, flame producing devices, open flames and firearms or ammunition shall not be permitted inside of or within seventy-five (75) feet of where fireworks are stored, displayed and/or offered for sale. Any person caught smoking or not adhering to this section while selling fireworks in the sales area, storage area or display area will be issued a written warning from the Madison County Fire Official's office for the first offense and the permit pulled and fireworks stand closed for the second offense.

#### **Section 18: Issuing Permits**

No permit will be granted without the approval of the Madison County Fire Official for the sale, possession and use of fireworks in the unincorporated areas of Madison County in accordance to this Ordinance, Section 45-13-11 of the Mississippi Code of 1972, the current adopted edition of the International Building and Fire Codes and all other applicable Codes and Statutes.

**Section 19: Violating the Ordinance**

Any person, firm, partnership, entity or corporation violating any provisions of this ordinance or fail to comply with any of the requirements thereof shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand (\$1,000.00) or by imprisonment not to exceed a period of thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

DRAFT