

STATE OF MISSISSIPPI  
COUNTY OF SIMPSON  
CITY OF MAGEE

ORDINANCE NO. 268

AN ORDINANCE ADOPTING AND ENACTING FIREWORKS REGULATIONS FOR  
THE CITY OF MAGEE, MISSISSIPPI, AND PROVIDING PENALTIES FOR VIOLATIONS

Whereas, the Mayor and Board of Aldermen of the City of Magee, Mississippi, having made due investigation and on recommendation of the Magee Fire Department, have determined that the sale, possession and use of fireworks should be regulated for the protection of the public health, safety and welfare.

Whereas, Section 21-19-15 of the Mississippi Code Annotated, 1972, provides that the governing authorities of a municipality in Mississippi have the power to prohibit or regulate the sale or use of firecrackers, roman candles, torpedoes, skyrockets, and any and all explosives commonly known and referred to as fireworks.

Therefore, be it ordained by the Mayor and Board of Aldermen of the City of Magee, Mississippi, as follows:

**Section 1.**

That this shall be known as the Magee Fireworks Ordinance, and the following sections of this ordinance be adopted and enforced in the City of Magee, and

That it shall be unlawful for any person, corporation, LLC, association or other entity to manufacture fireworks within the municipal corporate limits of the city.

That it shall be unlawful for any person, corporation, LLC, association or other entity to sell fireworks within the municipal corporate limits of the City except on the sale dates provided herein.

That it shall be unlawful for any person, corporation, LLC, association, or other entity to use or discharge fireworks within the municipal corporate limits of the City except on the dates and within the time restrictions as provided herein.

**Section 2. Definitions**

For the purpose of this ordinance, the following definitions shall apply when used herein:

- a. City means the City of Magee, Mississippi and any and every place within the corporate limits of the City.
- b. Fireworks mean firecrackers, roman candles, torpedoes, skyrocketes, and any and all explosives commonly known and referred to as fireworks; the term "fireworks" shall not include auto flares, toy pistols, toy canes, toy guns, and other devices in which paper caps manufactured in accordance with the United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used, or toy pistol paper caps manufactured as provided under the law, the use of which shall be permitted at all times.

**Section 3. Sale or Use of Fireworks**

It shall be unlawful for any person, corporation, LLC, association or other entity to sell, display, discharge or use fireworks except during the New Years and Independence Day holiday periods. Sale and display of fireworks will be allowed from fourteen (14) days prior to the actual holiday until seven (7) days after the holiday.

Usage and discharge of fireworks will be allowed from seven (7) days before the actual holiday through 10:00 P.M. on the seventh (7<sup>th</sup>) day after the holiday. Usage and discharge of fireworks shall be allowed only from 10:00 A.M. to 10:00 P.M. on said days with the exception of New Year's Eve and New Year's Day when the hours are extended from 10:00 A.M. New Year's Eve to 1:00 A.M. New Year's Day.

The Board of Aldermen may allow fireworks displays at additional dates and times when under the supervision and control of a licensed pyrotechnics technician.

**Section 4. Storing and Structures**

No person may smoke within one hundred fifty (150) feet of a structure where fireworks are sold. No person selling fireworks may permit the presence of lighted cigars, cigarettes, or pipes within a structure where fireworks are offered for sale. At all places where fireworks are stored or sold, there must be posted signs with the words "Fireworks-No Smoking" in letters not less than four (4) inches high. An inspected and currently tagged fire extinguisher with a minimum 2A rating must be present at each retail fireworks site. Fireworks are not permitted to be stored in residential districts, except for personal use.

**Section 5. Location of Fireworks Outlets.**

Fireworks sales structures must be no closer than 60 feet from any occupied building. Fireworks sales are permissible only on commercial/industrial property as approved by the Fire Department.

**Section 6. Additional Standards for Fireworks Retailers**

- (1) Any site for a fireworks retailer must be located so that all parts of the structure and fireworks inventory on the site are no closer than 300 feet from any fuel source such as gasoline, diesel, propane, butane, etc.
- (2) The parcel on which a fireworks retail use is allowed shall be a minimum of seven hundred and fifty (750) feet from other similar uses. This distance shall be measured in a straight line from structure to structure. Priority shall be given to the retailer who obtained a permit the previous year at the same location.

**Section 7. Unlawful Sale to Certain Children and Other Persons; Unlawful Use of Fireworks**

It is unlawful to offer for sale or to sell any fireworks to children under the age of sixteen (16) years of age or to any intoxicated person. It is unlawful to explode or ignite fireworks within three hundred (300) feet of any church, assisted living facility, nursing home, hospital, funeral home, public or private school academic structure, or within three hundred (300) feet of where fireworks are stored, sold, or offered for sale. It is unlawful to ignite or discharge any permissible articles of fireworks within or throw them from a motor vehicle. It is unlawful to place or throw any ignited article of fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to ignite fireworks on another person's private property unless permission is obtained from the owner or occupant of the property. It is unlawful to launch fireworks onto property of persons who have not given permission. It is unlawful to use fireworks at times, places, or any manner that endangers other persons. It is unlawful to ignite fireworks during a burning ban declared by either the State of Mississippi or the City of Magee, except for public (and/or group) displays for which permission has been granted.

**Section 8. Violations and Penalties**

Any person, firm, partnership, LLC, or corporation who shall violate the terms, conditions, or provisions of this Ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed \$500.00 and/or imprisonment not to exceed thirty (30) days. In case of continuing violations without

794

reasonable effort on the part of the defendant to correct the same each day the violation continues thereafter shall be a separate offense.

**Section 9. Saving Clause**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

**Section 10.**

That City Clerk shall cause this Ordinance to be published at least one (1) time in the Magee Courier, a newspaper authorized by law to publish legal notices in the City of Magee, Mississippi.

**Section 11.**

The Ordinance shall take effect and be in force as provided by law.

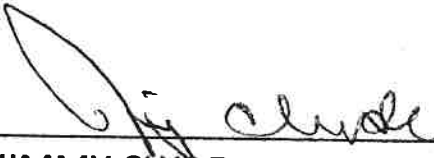
THE ABOVE AND FOREGOING ORDINANCE was first reduced to writing and read, considered and approved, section by section, and approved as a whole and in its entirety at the duly noticed and legally called, public meeting of the Mayor and Board of Aldermen held on this the 15th day of October, 2013, at the City Hall in the City of Magee, Mississippi, the regular meeting place of the Mayor and Board of Aldermen of said City, and the vote on its final passage was taken by "yeas" and "nays".

A motion to adopt the foregoing Ordinance was made by Alderman Steele and said motion was duly seconded by Alderman Keith. Whereupon, the motion was put before the Board of Aldermen by Mayor Jimmy Clyde, and upon roll call, voted as follows:

	Yea	Nay
Dale Berry	<u>✓</u>	_____
Eddie Lofton	<u>✓</u>	_____
Murry Keith	<u>✓</u>	_____
Patrick Brown	<u>✓</u>	_____
Lane Steele	<u>✓</u>	_____

The Ordinance having received the affirmative vote of a majority of the members of the Board of Aldermen of the City of Magee, Mississippi, Mayor Jimmy Clyde declared said Ordinance to have been fully adopted and to be in full force and effect according to its provisions.

SO ORDERED, this the 15<sup>th</sup> day of October, 2013.

  
\_\_\_\_\_  
JIMMY CLYDE  
MAYOR

ATTEST:

  
\_\_\_\_\_  
TWYLLA GRANT  
CITY CLERK