

**CITY OF SANIBEL**

**ORDINANCE NO. 01- 10**

**AN ORDINANCE AMENDING CHAPTER 34 ENTITLED "FIRE PROTECTION AND PREVENTION" BY INCLUSION OF ARTICLE V ENTITLED "FIREWORKS PROHIBITED"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanibel has found that the use of fireworks by the general public has become a nuisance and a hazard due to trash from remnant fireworks, injuries sustained by humans, the threat of wildfires erupting from errant fireworks and interference with wildlife; and

**WHEREAS**, the National Safety Council opposes the use of fireworks by adults and children, except by professional pyrotechnicians under controlled conditions; and

**WHEREAS**, the Consumer Product Safety Commission, citing the most recent available data, estimates 8,300 people in 1997 were treated in hospital emergency rooms for injuries associated with fireworks, approximately 50 percent of the fireworks-related injuries were burns, most involving the hands, eyes and head and nearly one-half of the victims were under 15 years of age.

**NOW, THEREFORE, BE IT ORDAINED** by the Council for the City of Sanibel, Lee County, Florida:

**SECTION 1.** The Code of Ordinances of the City of Sanibel, Chapter 34 entitled "FIRE PROTECTION AND PREVENTION", is hereby amended with the following addition:

**ARTICLE V. PROHIBITION OF FIREWORKS.**

**Section 34-84. Title.**

This article may be cited as the "Sanibel Prohibition of Fireworks Ordinance."

**Section 34-85. Possession.**

It shall be unlawful for any person to transport, possess, set off, or otherwise cause to explode or discharge or burn any firecracker, torpedo, rocket, or any other fireworks or explosives within the City limits, except as otherwise allowed in this Article.

#### **Section 34-86. Definition.**

Fireworks shall mean: any article device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation which meets the description of pyrotechnic substances as set forth in the United States Department of Transportation Hazardous Materials Regulations, 49 CFR § 173.52.

#### **Section 34-87. Exceptions.**

Fireworks shall not include:

- (1) Highway flares, ship distress signals, smoke candles, and other emergency signal devices.
- (2) Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means.
- (3) Fireworks which are used in testing or research by a licensed explosives laboratory.

#### **Section 34-88. Public Fireworks Displays Allowed.**

Public fireworks displays shall be allowed under the following conditions: any display of fireworks conducted by a qualified pyrotechnic operator who may only conduct such a display upon the approval of the Police Department and the Sanibel Fire Control District.

#### **Section 34-89. Penalties for Violation.**

Any person or person who violates any provision of this article shall be subject to the penalties and remedies contained in Section 1-15 of this Code. Each day of violation shall constitute a separate offense.

**SECTION 2. Codification.** The City Manager is hereby authorized and directed to indicate these amendments in future Fire Protection and Prevention publications.

**SECTION 3. Conflict.** All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

**SECTION 4. Severance.** If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

**SECTION 5.** Effective date. This Ordinance shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the Council of the City of Sanibel, Lee County, Florida, this 19th day of June, 2001.

**AUTHENTICATION:**

W. Alan Theriot  
Mayor

[Signature]  
City Clerk

**APPROVED AS TO FORM:**

[Signature]  
City Attorney

6/26/01  
Date

First Reading: May 15, 2001  
Publication Notice: May 17, 2001  
Second Reading: June 19, 2001

**Record of Council Members Vote:**

Brown:	aye
Harrity:	nay
Theiss:	aye
Walsh:	aye
Workman:	nay

**Date Filed With City Clerk: June 20, 2001**