

ORDINANCE NO. 2024 - 004

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO FIREWORKS; CREATING CHAPTER 93 OF THE TOWN’S CODE OF ORDINANCES, ENTITLED “FIREWORKS”; DECLARING FINDINGS OF THE TOWN COUNCIL; PROVIDING DEFINITIONS; SPECIFYING UNLAWFUL ACTS AND MEANS OF ENFORCEMENT; SPECIFYING THE CONDITIONS AND REQUIREMENTS UNDER WHICH THE TOWN MAY GRANT A PERMIT FOR A PUBLIC DISPLAY OF FIREWORKS; PROVIDING FOR SEVERABILITY, CONFLICTS AMONG ORDINANCES, CODIFICATION, AND AN EFFECTIVE DATE.

Be It Ordained by the Town Council of the Town of Howey-in-the-Hills, Florida:

Section 1. The title of Chapter 93 of the Code of Ordinances for the Town of Howey-in-the-Hills, Florida, is revised to read “Fireworks.” Reference to Article I of Chapter 93 is deleted.

Section 2. Sections 93-1, 93-2, and 93-3 of the town code are created to read:

Sec. 93-1. General.

A. Town Council findings. The Town Council finds that the Town of Howey-in-the-Hills is predominately a residential town, with few nonresidential properties. The detonation and explosion of fireworks within the Town’s boundaries, whether by untrained individuals or by persons trained in the Code of Fireworks Display approved by the American National Standards Institute, can impose material risks to public safety and property. For that reason the detonation of fireworks is subject to the prohibitions and restrictions of this chapter.

B. Definitions. In this chapter “fireworks” and other terms have the meanings ascribed to them in Chapter 791 of Florida Statutes. “Pyrotechnics” means

1 “fireworks.” The phrase “public display of managed pyrotechnics” has the
2 same meaning as the phrase in Chapter 791 “public display of fireworks”.
3

4 **Sec. 93-2. Unlawful acts; violations.**

5 A. It is unlawful to use, detonate, or explode fireworks within the boundaries of
6 the town at any time other than the following:
7

- 8 1. New Year’s Eve, December 31, between 5:00 P.M. and 12:30
9 A.M.;
 - 10 2. New Year’s Day, January 1, between 4:00 P.M. and 10:00 P.M.;
 - 11 and
 - 12 3. Independence Day, July 4, between 4:00 P.M. and 10:00 P.M.
- 13

14 B. Violation of subsection A and other provisions of this chapter will be subject
15 to prosecution of a first-degree misdemeanor as provided in section 791.06
16 of Florida Statutes or enforced through town code-enforcement proceedings
17 under Chapters 162 and 166, Florida Statutes.

18 **Sec. 93-3. Public displays of managed pyrotechnics.** A permit for the privilege
19 of conducting within the boundaries of the town a supervised public display of
20 managed pyrotechnics may be granted, but only under the following conditions:

21 A. By written resolution or by motion and vote the Town Council has
22 authorized conducting public displays of managed pyrotechnics and has not
23 rescinded its authorization; and
24

25 B. The public display will occur only on one of the three dates, and only during
26 the times, specified in section 93-2. Notwithstanding the foregoing, a public
27 display of managed pyrotechnics may be conducted on a different date or at
28 a different time upon its approval either by written resolution or by express
29 motion and vote by the Town Council; and
30

31 C. As contemplated under section 791.012 of Florida Statutes, the public
32 display of managed pyrotechnics will be governed by and conducted in full
33 and strict compliance with the requirements of the National Fire Protection

1 Association (NFPA) 1123, Code for Fireworks Display, 1995 Edition,
2 approved by the American National Standards Institute; and
3

4 D. As contemplated under section 791.02 of Florida Statutes, both the town's
5 police chief and the county fire chief determine that the operator is
6 competent to conduct the managed pyrotechnics display; and
7

8 E. As contemplated under section 791.02 of Florida Statutes, the county fire
9 chief determines that the managed pyrotechnics display is of such a nature
10 and will be so located, discharged, and fired as, in the fire chief's opinion
11 after proper inspection, will not be hazardous to property and will not
12 endanger persons; and
13

14 F. The operator of the public display of managed pyrotechnics complies with
15 all conditions, requirements, and safety precautions imposed by both the
16 police chief and the county fire chief; and
17

18 G. The operator of the public display of managed pyrotechnics pays to the
19 town, before the display occurs, all costs incurred or estimated to be incurred
20 by the town and the county in connection with the public display; and
21

22 H. The town clerk issues the permit for the public display, but only after
23 confirmation from the police chief and the fire chief that the requirements of
24 C, D, E, and F have been fulfilled and the operator of the public display has
25 paid in full all actual and expected costs as required under G.

26 **Section 3. Severability.** If any part of this ordinance is declared by a court of
27 competent jurisdiction to be void, unconstitutional, or unenforceable, the
28 remaining parts of the ordinance shall remain in full effect. To that end, this
29 ordinance is declared severable.

30 **Section 4. Conflicts.** In a conflict between this ordinance and other existing
31 ordinances, this ordinance shall control and supersede.

32 **Section 5. Codification.** The provisions of sections 1 and 2 of this ordinance are
33 to be codified in Chapter 93 of the Code of Ordinances for the Town of Howey-in-
34 the-Hills, Florida. No other sections are to be codified.

1 **Section 6. Effective Date.** This ordinance shall take effect upon its enactment.

2

3 **ORDAINED AND ENACTED** this ____ day of _____, 2024, by the
4 Town Council of the Town of Howey-in-the-Hills, Florida.

5

6 **TOWN OF HOWEY-IN-THE-HILLS,**
7 **FLORIDA**

8 **By:** its Town Council

9 By: _____
10 Hon. Martha MacFarlane, Mayor

11
12 **ATTEST:**

13 **APPROVED AS TO FORM AND LEGALITY:**
(for the use and reliance of the Town only)

14

15 _____
16 John Brock, Town Clerk

17 _____
18 Thomas J. Wilkes, Town Attorney

17

18

19 First Reading held March 11, **2024**

20 Second Reading and hearing held _____, **2024**

21 Public hearing advertised _____, **2024**

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