

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY CREATING CHAPTER 27 “FIREWORKS” TO PROVIDE FOR REGULATIONS REGARDING THE USE OF FIREWORKS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Loxahatchee Groves (“Town”) is a rural agrarian municipality located within Palm Beach County known for its equestrian culture and rural character; and

WHEREAS, the Florida Department of Commerce has designated the Town as a rural community; and

WHEREAS, in addition to its many horses, the Town is also home to an exotic animal sanctuary, a tropical bird refuge, dog rescues, veterinary offices, and other livestock; and

WHEREAS, it is well documented that horses and other animals are startled by loud noises and sudden flashing lights and are particularly frightened by fireworks; and

WHEREAS, it is very common for horses to gallop, sweat, and tremble when startled by the loud noise and flashing lights of fireworks, which can result in injury, illness, and possible death to animals and damage to property; and

WHEREAS, the Town is a heavily wooded community making it more susceptible to fire risks, particularly in its Agricultural Residential (AR) zoning district, which is largely comprised of wooded lots of five acres or more, and a local office of the Florida Forest Service is located within the Town’s boundaries; and

WHEREAS, it is well known that fireworks pose a significant fire risk and according to the National Fire Protection Association, fireworks start an average of 20,000 fires per year, resulting in more than \$100 million in property damage; and

WHEREAS, the U.S. Drought Monitor advises that 74% of Palm Beach County is currently experiencing a severe drought and 24% of Palm Beach County is currently experiencing an extreme drought, which significantly increases the fire risk and allows fires to spread more quickly and intensely; and

WHEREAS, the Town is home to a number of military veterans, some of whom may suffer from post-traumatic stress disorder (“PTSD”), whose PTSD may be exacerbated by the use of fireworks within the Town; and

WHEREAS, the Town has received numerous requests from residents and equestrians to help prevent and protect their horses and property from the negative effects of fireworks; and

WHEREAS, the use of fireworks within the Town, which is home to hundreds of equestrian residents, horses, equestrian related farms and service, and densely wooded canopies, and military veterans is detrimental to the health, safety, and welfare of the Town’s residents; and

WHEREAS, the Town Council believes it is necessary to enact regulations regarding fireworks; and

WHEREAS, this ordinance enacts regulations governing the use of fireworks; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby creates Chapter 27 “Fireworks” to read as follows (additions in underline text):

CHAPTER 27 - FIREWORKS

Sec. 27-1. – Discharge or use of fireworks, pyrotechnic devices and special effects.

The discharge, firing or use of firecrackers, rockets, torpedoes, roman candles or other fireworks or substances designed and intended for pyrotechnic display, and of pistols, canes, cannons or other appliances using blank cartridges or caps containing chlorate or potash mixture, is prohibited. The use of pyrotechnic special effects, flame effects and/or similar devices inside buildings, tents, structures and/or other enclosed spaces is prohibited. Flame effects include, but are not limited to, batons, and/or torches fueled by liquid, solid or gaseous fuels; flame projectors which produce heat effects and/or flames; flash powders composed of fuel(s) and oxidizer(s); flares and similar devices. Pyrotechnic special effects include, but are not limited to, chemical mixtures used in the entertainment industry to produce visible, audible or thermal effects by combustion, deflagration or detonation. However, this Chapter shall not prohibit public outdoor fireworks/pyrotechnic displays where the permission of the Town Manager has been obtained, and for which a permit has been obtained from the applicable governmental agency, all financial bond requirements established by the Town, if any, have been satisfied, and other prescribed safety requirements have been met. Fireworks and sparklers shall have the same definition as set forth in Florida Statutes.

Except as otherwise set forth in this chapter the requirements set forth in Florida Statutes Chapter 791 shall govern.

Sec. 27-2. – Enforcement and penalties.

(a) This chapter may be enforced by the Palm Beach County Sheriff's Office or by any law enforcement officer, Palm Beach County fire marshals or appropriate fire personnel, or Town code enforcement officers.

(b) *Penalties.* Violations may be enforced through the Town code enforcement process and pursuant to F.S. chapter 162 or as determined by the Palm Beach County Sheriff's Office in accordance with state statutes.

(c) *Violation.* Fireworks and sparklers that are used or being used in violation of this chapter are subject to confiscation by law enforcement authorities in addition to the other enforcement measures provided in this chapter.

(d) *Injunction of public nuisance or threat of irreparable harm.* The Town, in addition to any other remedies provided by law, may seek in a court of competent jurisdiction an injunction against any person or entity who uses fireworks and sparklers in violation of this section. In the event the Town is required to file suit for injunction to enjoin a violation of this chapter, if the Town prevails it shall be entitled to recover reasonable attorney fees and court costs in addition to any other relief granted.

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF ____, 2025.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LISA EL-RAMEY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PAUL COLEMAN II, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Council Member _____ offered the foregoing ordinance. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2025.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
ANITA KANE, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LISA EL-RAMEY, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PAUL COLEMAN II, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:	TOWN OF LOXAHATCHEE GROVES, FLORIDA
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Valerie Oakes, Town Clerk

Mayor Anita Kane, Seat 3

APPROVED AS TO LEGAL FORM:	_____ Vice Mayor Margaret Herzog, Seat 5
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Office of the Town Attorney

Councilmember Phillis Maniglia, Seat 1

Councilmember Lisa El-Ramey, Seat 2

Councilmember Paul Coleman II, Seat 4