

**ORDER: APPROVE PUBLIC HEARING FOR JULY 2, 2018 AT 5:00 P.M. TO
DISCUSS PROPOSED ORDINANCE ON FIREWORKS**

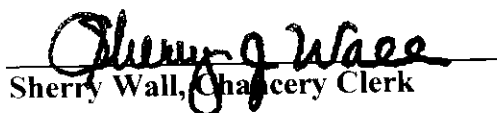
Motion was made by Jeff Busby, duly seconded by Mike Roberts, to approve public hearing for July 2, 2018 at 5:00 p.m. to discuss proposed ordinance on fireworks.

The vote on the motion was as follows:

Supervisor Kevin Frye, voted yes
Supervisor Jeff Busby, voted yes
Supervisor David Rikard, voted yes
Supervisor Chad McLarty, voted yes
Supervisor Mike Roberts, voted yes

After the vote, President Busby, declared the motion carried, this the 18th day of June, 2018.


Jeff Busby, President
Board of Supervisors


Sherry Wall, Chancery Clerk

PROPOSED FIREWORKS ORDINANCE

ORDINANCE REGULATING THE USE, POSSESSION AND DISPLAY OF CLASS "B" FIREWORKS WITHIN THE UNINCORPORATED AREA OF LAFAYETTE COUNTY, MISSISSIPPI

WHEREAS, pursuant to Miss. Code Ann. §§ 45-13-11 and 45-13-13, the Board of Supervisors of Lafayette County, Mississippi is authorized to regulate and permit the use, display and possession of certain fireworks (Class B Fireworks and Explosives and "Display Fireworks") within the unincorporated areas of Lafayette County, Mississippi; and

WHEREAS, the Lafayette County Board of Supervisors, having made due investigation and consideration of the effect on public health, safety and welfare as it relates to the possession, use and display of Class B and "Display" fireworks within the unincorporated areas of Lafayette County, and upon the recommendation of the Lafayette County Fire Department officials, finds that it would be in the best interest of public health, safety and general welfare to regulate the possession, use and display of Class B and "Display" fireworks by the adoption of a fireworks ordinance, as follows:

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of Lafayette County, Mississippi:

SECTION 1: DEFINITIONS

A. "Class B Fireworks" means fireworks classified as 1.3G Explosives within the meaning of 49 C.F.R. 173.56, 27 C.F.R. Part 55 and 16 C.F.R. 1507 and are also commonly referred to as "display" fireworks. Class B fireworks are typically used for exhibition purposes and intended to produce percussive and visual effects and operated under the control and supervision of trained pyrotechnicians.

B. "Class C Fireworks" means fireworks classified as 1.4G Explosives within the meaning of APA Standard 87-1 and are commonly referred to as "consumer" fireworks. Such fireworks include roman candles, sparklers, cone fountains, Chinese crackers and other forms of explosives which are not regulated under 27 C.F.R. Part 55.

C. "Use" and "Display" are interchangeable terms and mean the active presentation and discharge of fireworks generating a percussive, audible and/or visual effect for public or private viewing and gatherings.

SECTION 2: MANUFACTURE, USE, DISPLAY AND STORAGE

It shall be unlawful for any person to sell, possess, manufacture, use or display Class B fireworks within the unincorporated areas of Lafayette County, Mississippi during any time period except as specifically permitted and authorized herein.

A. Permissible Use and Display Time Period: The use and display of Class B fireworks is prohibited except between the hours of 12:00 pm and 9:00 pm, Monday through Saturday, provided that such fireworks may also be used and displayed during the hours of 12:00 pm and 11:00 pm on the July 4th holiday.

B. Permit Requirement: At least 21 days before the intended exhibition of fireworks, any person, firm, partnership, entity or corporation desiring a fireworks display shall apply for permission through a written application for a permit submitted to the Lafayette County Fire Coordinator. The application, which shall be on a form supplied by the Fire Coordinator, shall identify (1) the name of the person or entity sponsoring the display, (2) the date, time and location of the display, (3) the identity of the entity or individual who is licensed to possess, sell and distribute the fireworks, and (4) the identity of the individual or entity (pyrotechnician) supervising the use and display of the fireworks, including a description of the individual's experience in the handling, use and display of fireworks. (See Miss. Code Ann. § 45-13-11). The completed permit application for the exhibition shall be submitted by the Fire Coordinator for approval by the Lafayette County Board of Supervisors.

C. Insurance requirement: Before permission may be granted for the use and display of fireworks, the permit applicant shall submit proof of general liability/accident insurance or bond in the amount of \$100,000 covering liability exposure for the fireworks display event.

D. Storage: All fireworks held in storage for use and display shall be held in storage for such exhibitions in a closed box until removed.

E. Supplemental Conditions of Permit: The Lafayette County Board of Supervisors reserves the right to impose such other conditions or limitations on the use and display of fireworks regulated herein in accordance with the recommendation of the Fire Coordinator and as the particular circumstances of the intended exhibition suggest, including but not limited to (1) the hours of permitted use, (2) the duration of the permitted use, (3) the provision of particular safety and security measures and (4) the standby use of County fire personnel and equipment.

F. Permit Fee: Each application for a permit shall be submitted with a fee of \$100. The Lafayette County Board of Supervisors reserves the right to require the payment of such additional fees to cover the cost of any safety measures incurred by Lafayette County as imposed by the permit.

SECTION 3: Revocation of Permit

The Lafayette County Fire Coordinator or County Administrator may revoke a permit issued under this ordinance without notice in the event: (1) a burn ban is in effect or severe weather warnings have been issued for Lafayette County, (2) the permit is used for a location other than what was permitted, (3) the conditions or limitations set forth in the permit have not been satisfied or were violated or (4) the permit application contains materially false statements.

SECTION 4: Penalties

Any person or entity violating the provisions of this ordinance or the terms of a permit shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 or by imprisonment not to exceed 30 days, or both. Each day that a violation continues after due notice has been personally served shall constitute a separate violation.