

ORDINANCE No. 2022-08

**AMENDED MUNICIPAL FIREWORKS ORDINANCE**  
**AMENDED ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE**  
**CITY OF GLUCKSTADT, MISSISSIPPI, PROHIBITING THE SALE AND**  
**REGULATING THE USAGE OF FIREWORKS WITHIN MUNICIPAL LIMITS**

**WHEREAS**, Mississippi Code Section 21-19-5 grants the power to the City of Gluckstadt's Mayor and Board of Alderman as the governing authorities to prohibit or regulate the sale or use of fireworks as defined therein; and

**WHEREAS**, the City of Gluckstadt previously adopted an Ordinance regulating the Sale of Fireworks and subsequently determined that the sale of fireworks by certain conditional use applicants should be permitted in the City for the remainder of the 2022 fireworks season; and

**WHEREAS**, the City of Gluckstadt now wishes for the previous ordinance to be amended, with certain sections repealed, following the 2022 fireworks season and instead desires to regulate the display for sale and the retail sales of fireworks; and

**WHEREAS**, it is the intent of the City of Gluckstadt to prohibit the sale of fireworks in the boundaries of the municipality after the 2022 fireworks season.

Now, therefore, be it **ORDAINED** by the Mayor and Board of Alderman for the City of Gluckstadt, Mississippi, as follows:

**SECTION 1: DEFINITIONS**

**CITY:** City of Gluckstadt

**CLASSIFICATION OF FIREWORKS:**

Class "C" Common Fireworks (Designated by Interstate Commerce Commission) - Fireworks are labeled by said commission with the Class C common fireworks label, and which contain a statutorily restricted amount of pyrotechnic composition and were designed to produce an audible effect or pyrotechnic display by combustion; their explosive composition cannot exceed two (2) grains in weight; by way of example they shall include such items as cone fountains, fire crackers, small Chinese crackers, skyrockets;-bottle-rockets,-small- non-explosive Roman candles and rockets, pyrotechnics commonly known as "snap pops," or other matter or substances similar thereto. For purposes of this section the term "fireworks" shall also include such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOT for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, but does not include 1.3G fireworks, the sale of which is not permitted by this ordinance.

Class "B" Fireworks - An exhibited and professional fireworks display which must be shot under controlled supervision by a licensed professional pyrotechnic operator, which may be part of any public entertainment sponsored by the City, any other public civic organization or private citizen desiring to have a fireworks display will be allowed within the City. Any public civic

organization or private citizen shall be required to obtain approval from the Board of Aldermen prior to the conducting of any fireworks display or exhibition. Any such approval by the Board of Aldermen shall be conditioned upon the satisfaction by the applicant of all requirements set forth in Mississippi Code Ann. Section 45-13-11 regarding the permitting of fireworks exhibitions, as well as any other conditions deemed necessary by the Board, including but not limited to the requirement of a cash deposit or bond for damages or injuries caused by the display, or provision for reimbursement to the City for mobilization of fire equipment and personnel to maintain safety at any such display.

## **SECTION 2: PROHIBITION OF SALE OF FIREWORKS**

Pursuant to Mississippi Code Annotated Section 21-19-15, it shall be unlawful for any person to sell firecrackers, roman candles, torpedoes, sky rockets, and any and all explosives commonly known and referred to as fireworks, or as defined herein. This prohibition does not extend to toy pistols, toy canes, toy guns, or 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 herein, the sale and use of which shall be permitted at all times.

## **SECTION 3: USAGE OF FIREWORKS**

The discharging, shooting, and igniting of Class "C" Common fireworks within the municipal limits of the City of Gluckstadt is limited to permitted holidays as defined below. It shall be unlawful for any person to shoot, discharge, fire, explode or otherwise use any fireworks on or in any of the streets, sidewalks, alleys, residential areas or elsewhere within the City limits, except during the permitted dates and times listed under "permitted holidays," below:

### **PERMITTED HOLIDAYS:**

INDEPENDENCE DAY (4<sup>th</sup> of JULY); 5:00 PM – 10:00 PM

CHRISTMAS EVE (24<sup>th</sup> of DECEMBER); 5:00 PM – 10:00 PM

NEW YEAR'S EVE (31<sup>st</sup> of DECEMBER); 5:00 PM on Dec. 31 – 12:30 AM on Jan. 1

It is unlawful to use or discharge any fireworks along the route of and during any parade or in any place of public assembly unless it is an event as described and authorized by permit. If the person in charge of or sponsoring any lawful public gathering, demonstration or celebration, desires to have a fireworks display at such gathering, demonstration or celebration, the Mayor and Board of Aldermen may approve issuance of a permit authorizing the possession, and use of fireworks for such display, after first finding and determining that a reasonably competent person will be in charge of such display and that such display can be conducted at any such gathering, demonstration or celebration with reasonable safety.

It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, or vehicle, nor shall any persons throw the same from a motor vehicle.

It is unlawful to explode any fireworks within three hundred (300) yards of any railroad depot or warehouse as described under Mississippi Code Section 97-37-27.

It shall be unlawful to explode or ignite fireworks within five hundred (500) feet of any church or school (while in session or during a church or school sponsored event), hospital, asylum, or within three hundred (300) feet of where fireworks are offered for sale.

**SECTION 4: VIOLATION AND PENALTIES**

Violation of any provision of this ordinance shall be unlawful and shall be punishable by a fine of not more than \$1,000, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment in the discretion of the court. Each violation shall constitute a separate offense.

**SECTION 5: REPEALED**

Any provision of the previous fireworks ordinance, or of any other ordinance, which conflicts with any provision of this amended ordinance is hereby repealed.

**SECTION 6: EFFECTIVE DATE**

This Ordinance shall be effective from and after January 4, 2023.

SO ORDAINED, THIS THE 12<sup>th</sup> DAY OF July 2022.



WALTER C. MORRISON, IV  
MAYOR

Attest:



LINDSAY D. KELLUM  
CITY CLERK



	Aye	Nay
ALDERWOMAN BATES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALDERMAN POWELL	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALDERMAN SLAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALDERMAN TAYLOR	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALDERWOMAN WILLIAMS	<input checked="" type="checkbox"/>	<input type="checkbox"/>