

ORDINANCE NO. 02-25

AN ORDINANCE TO AMEND TITLE 7 OF THE SPRING HILL MUNICIPAL CODE BY ADDING CHAPTER 7, FIREWORKS,

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill may, pursuant to its charter and general laws of the State of Tennessee, enact regulatory ordinances protecting and promoting the general welfare, health and safety of it's citizens.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE:

That Title 7, Chapter 7, Section 7-701, Section 7-702, Section 7-703, are hereby established as follows:

7-701 Use Restrictions and Permits

(a) Except as hereinafter provided, no person, firm, partnership or corporation shall offer for sale, expose for sale, sell at retail, or keep with intent to sell at retail, fireworks in the City of Spring Hill. The Fire Marshal of the City of Spring Hill may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by fair associations, amusement parks, and other organizations or groups of individuals. Such permits may be granted upon application to the Fire Marshal and the filing of a bond in the amount of \$1,000.00 by the applicant. Every such display shall be handled by a competent operator licensed or certified as to competency by the Fire Marshal and shall be of such composition and character, and so located, discharged or fired as in the opinion of the Fire Marshal shall not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display is lawful for that purpose only. No permit granted hereunder shall be transferable.

(b) The discharge of Fireworks within the City limits of the City of Spring Hill shall be limited to the following days and times;

A. Memorial Day beginning at 12:00 Noon and ending at 11:00 P. M.

B. July 4th beginning at 12:00 Noon and ending at 11:00 P. M.

C. Christmas Eve and Christmas Day beginning at 12:00 Noon and ending at 11:00 P. M.

D. New Years Eve beginning at 12:00 Noon and ending at 12:30 A. M.

E. New Years Day beginning at 12:00 Noon and ending at 11:00 P. M.

7-702 Authorization to Seize

The Fire Marshal shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored or held in violation of this chapter. The Fire Marshal shall store and maintain seized fireworks and dispose of them as ordered by a court of competent jurisdiction. Seized fireworks shall in no event be returned to the person from whom seized until all appellate remedies are exhausted. The confiscation and forfeiture of fireworks being an action "in rem," the City of Spring Hill shall have the right to appeal an order restoring the seized fireworks to the person from whom seized.

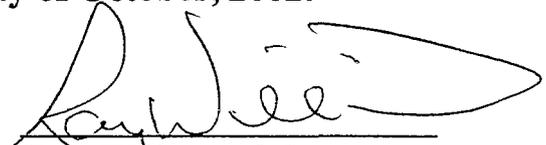
7-703 Violation and Penalty

Any person, firm, partnership or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars.

BE IT FURTHER ENACTED, that all ordinances, or parts of ordinances, in conflict herewith be, and the same hereby are repealed or modified as the case may be.

BE IT FURTHER ENACTED, that this ordinance shall take effect from and after its passage, the public welfare requiring it.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 21st day of October, 2002.


Ray Williams, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM APPROVED:


M. Andrew Hoover, City Attorney

Passed on 1st Reading 9-16-02

Passed on 2nd Reading 10-21-02