

ORDINANCE NO. 369

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 8 OF THE TOWN CODE OF ORDINANCES, MISCELLANEOUS OFFENSES, AT SECTION 8-8 RELATING TO FIREWORKS, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend the codes of the Town of Jupiter Island relating to the use of fireworks from time to time, and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Section 8-8 relating to discharge of fireworks is hereby amended to read as follows:

“Sec. 8-8. Fireworks.

(a) It shall be unlawful for any person to discharge explosives, firecrackers or fireworks within the Town.

(b) For purposes of this section, explosives, firecrackers or fireworks shall include any combustible or explosive composition, or any substance or combination of substances, or any article prepared for the purpose of producing visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges and toy cannons in which explosives are used, the types of balloons which require fire underneath to compel the same, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs and any fireworks containing any explosives or flammable compound or any tablets or other device containing any explosive substance. It shall not include sparklers, toy pistols, toy canes, toy guns, or other devices in which paper caps containing 0.25 grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps that contain less than 0.20 grain of explosive mixture, the use of which shall be permitted at all times.

(c) It shall be unlawful for any person to advertise, offer for sale or sell any explosives or fireworks within the Town.

(d) A permit issued by the Director of Public Safety and approved by the Town Manager may be granted for the discharge of fireworks within the Town, subject however to the following conditions:

- (1) Only properly licensed and experienced firms will be allowed to apply for permits. Proof of experience and letters of reference shall be provided to the satisfaction of the Director of Public Safety.
- (2) Regulations and safeguards satisfactory to the Director of Public Safety shall be conditions of any permit granted.
- (3) Permitted fireworks displays shall be under the supervision of the Public Safety Department of the Town and any costs related to same shall be borne by the applicant and paid to the Town.
- (4) Indemnification of the Town and proof of liability insurance, naming the Town as an insured in an amount determined adequate by the Town Commission, shall be provided prior to the approval of a permit.
- (5) ~~A bond shall be posted prior to issuance of a permit in an amount determined by the Town Commission to insure complete and satisfactory clean up of all materials and debris associated with the display."~~
- (6) Upon issuance of a permit the Town will issue a notice to residents of the time and date and where the event will occur within the Town boundaries.

Section 2. Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability.

If any court of competent jurisdiction holds any word, part, section, paragraph or provision hereof to be unlawful or unconstitutional, such ruling or finding shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

Section 4. Codification.

This ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Jupiter Island.

Section 5. Effective Date.

This Ordinance shall become effective immediately upon passage.

PASSED UPON FIRST READING THE 21st DAY OF February 2018.

PASSED AND ADOPTED UPON SECOND READING THE FOLLOWING PUBLIC HEARING THE 12th DAY OF March, 2018.

(SEAL)



TOWN OF JUPITER ISLAND, FLORIDA

Whit P. C.
Mayor

Elizabeth Allen
Vice Mayor

Maura M. Cullen
Commissioner

Peter Honz
Commissioner

C. R. ...
Commissioner

ATTEST:

Sven Carlberg

Clerk

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