

ORDINANCE NO. 1731

AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF AMORY PROHIBITING THE SALE, USE, OR SETTING OFF OF ANY EXPLOSIVES, COMMONLY CALLED FIREWORKS; EXCEPTING SPECIALLY PERMITTED EXHIBITIONS; REPEALING PREVIOUS ORDINANCE NO. 1446; AND FIXING THE PENALTY FOR VIOLATIONS OF THE ORDINANCE

WHEREAS, pursuant to Section 21-17-5 M.C.A. the City of Amory, Mississippi has the care, management and control of its municipal affairs, property, and finances; and

WHEREAS, Section 21-17-5 M.C.A. further provides that in addition to those powers granted by specific provisions of general law, the governing authorities of municipalities shall have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property, and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and

WHEREAS, pursuant to Section 21-19-15 (3) M.C.A. the governing authority of a municipality shall have the power to prohibit or regulate the sale or use of firecrackers, roman candles, torpedoes, sky rockets, and any and all explosives commonly known and referred to as fireworks; and

WHEREAS, the City has previously adopted Ordinance 1446 concerning fireworks, and the City now desires to adopt a new Ordinance and repeal all provisions of prior Ordinances in conflict with the provisions of this Ordinance, except as specifically provided to the contrary herein, including, but not limited to, Ordinance 1446.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Amory, Mississippi, as follows:

Section 1. Fireworks Unlawful. That it shall be unlawful for any person, firm or corporation to sell, use, or in any manner to set off firecrackers, roman candles, torpedoes, sky rockets, and any and all explosives commonly known and referred to as fireworks, within the City of Amory, Mississippi; provided however, that the term "fireworks" shall not include 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, the sale and use of which shall be permitted at all times as allowed by law.

Section 2. Exceptions and Permits. Notwithstanding, and as an exception to the provisions of Section 1. hereof, the Mayor and Board of Aldermen may grant permits upon individual application presented to the Mayor and Board of Alderman at least 15 days in advance, under which fireworks, the sale, possession or use of which is otherwise prohibited hereby, may be used for exhibition purposes; however, such permits shall not include the use of such dangerous items as cherry bombs, tubular salutes, repeating bombs, aerial bombs, and

torpedoes. Such permits shall require that the persons in charge of such exhibitions shall be experienced in the handling of fireworks, and that the members of the public attending the exhibitions shall be kept at a safe distance therefrom. Any fireworks held in storage for such exhibitions shall be kept in a closed box and kept secure until removed therefrom for firing.

Section 3. Fines and Penalties. Any person violating any of the provisions of this Ordinance shall be given a citation and charged with a misdemeanor offense. Upon conviction hereof, such person shall be subject to a fine of not less than one hundred dollars (\$100.00) for the first offense; not less than two hundred dollars (\$200.00) for a second offense; and not more than three hundred dollars (\$300.00) for a third and subsequent offense, or imprisonment not exceeding ninety (90) days, or both .

Section 4. Prior Ordinances. All provisions of the ordinances of the City of Amory in conflict with the provisions of this Ordinance, including but not limited to Ordinance No. 1446, are hereby repealed.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and removed from the ordinance, and such holding shall not affect the validity of the remainder of this Ordinance which shall remain in full force and effect.

Section 6. Effective Date: The Mayor and Board of Aldermen of the City of Amory further find and adjudge that the public health, peace, and safety of the inhabitants of the City of Amory require that this ordinance become effective immediately upon its passage, and for such reason this ordinance shall become and be effective immediately upon its passage as allowable by Section 21-13-11, M.C.A.

The foregoing Ordinance, having been previously reduced to writing, was proposed and a motion by Alderman Glen Bingham, seconded by Alderman John Darden, and after discussion, and no alderman having called for a reading, was brought to a vote as follows:

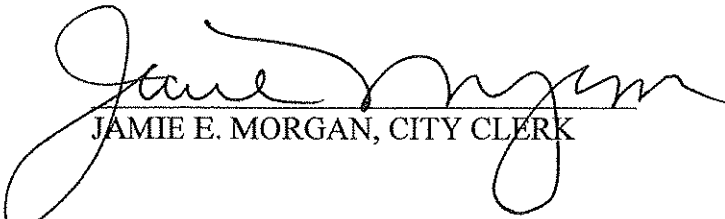
Alderman Buddy Carlisle	Voting:	YES
Alderman John Darden	Voting:	YES
Alderman Tony Poss	Voting:	ABSENT
Alderman Glen Bingham	Voting:	YES
Alderman Joe McGonagill	Voting:	YES

Whereupon, the motion having received a majority affirmative vote, the Mayor of the City of Amory, Mississippi declared that the Ordinance had been adopted on this the 8th day of August 2020.

CITY OF AMORY, MISSISSIPPI

BY: 
BRAD J. BLALOCK, MAYOR

ATTEST:


JAMIE E. MORGAN, CITY CLERK