

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, AMENDING ARTICLE 10. OFFENSES AND MISCELLANEOUS PROVISIONS, SECTION 10-13 OF THE SOUTH DAYTONA CODE OF ORDINANCES RELATED TO THE SALE AND USE OF FIREWORKS WITHIN THE CITY; AND PROVIDING FOR RECITALS, ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Florida Statute Chapter 791 (Sale of Fireworks) regulates the sale and use of fireworks; and

WHEREAS, the City Council recognizes State regulations and the established designated holidays as outlined in Florida Statute Chapter 791; and

WHEREAS, the City Council determines upon its review of our local conditions that more detailed requirements than those specified in Florida Statute are necessary; and

WHEREAS, hereby adopts an amendment to Article 10 Offenses and Miscellaneous Provisions relating to fireworks within the City for the purpose of furthering the public health, safety and welfare of the City and its residents; and

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein, and adopted as findings of the City Council of the City of South Daytona.

Section 2. The City Council of the City of South Daytona hereby amends Article 10. Offenses and Miscellaneous Provisions, Section 10-13 of the South Daytona Code of Ordinances to read as follows:

Sec. 10-13. ~~Reserved.~~ Fireworks.

1. It shall be unlawful for any person, firm, partnership, corporation, or business entity of any other type to offer for sale or display or to use or explode any fireworks within the City of South Daytona except as provided in Florida Statute Chapter 791.
2. It shall be unlawful to discharge any fireworks or sparklers in public rights-of-way, streets, parks, or other public properties.
3. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any person or group of persons, or from, in the direction of or into any vehicle of any kind.
4. When permitted, noise from firework activity must conclude at midnight and all debris from fireworks or sparklers must be collected immediately, placed in a solid waste container and placed for pick-up on the next available waste collection day.

Section 3. Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules.

Section 4. Codification. The provisions of this Ordinance amending or adding to the City of South Daytona Code of Ordinances and/or Land Development Code shall be codified and shall become and be made a part of the City of South Daytona Code of Ordinances and/or Land Development Code, as applicable. The codified portions of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate words. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 5. Conflicts. All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

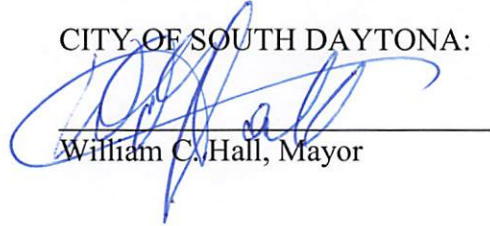
Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date. This Ordinance shall take effect immediately upon enactment.

Passed upon first reading at a regular meeting of the City Council of the City of South Daytona, Florida on the 26th day of July, 2022.

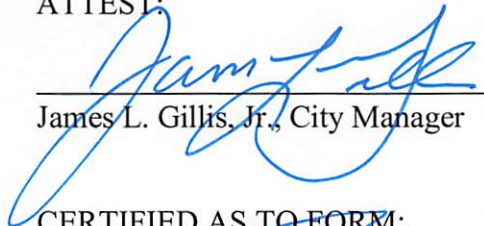
Passed and adopted upon second and final reading at a regular meeting of the City Council of the City of South Daytona, held in South Daytona, Florida on the 9th day of August, 2022.

CITY OF SOUTH DAYTONA:




William C. Hall, Mayor

ATTEST:



James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:



Wade C. Vose, City Attorney