

ORDINANCE 2016-126

An Ordinance Repealing and Replacing Ordinance 1997-65 in its Entirety and Setting Forth Rules and Regulations Prohibiting the Use, Possession or Sale of Fireworks Within the Town of Rolling Hills Except on Specified Dates; Providing Procedures for Instituting an Absolute Ban on the Use of Fireworks; Providing Definitions; and Providing a Penalty for the Violation Hereof

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ROLLING HILLS:

The purpose of this Ordinance is to hereby rescind any and all previous ordinances pertaining to fireworks including, but not limited to, Ordinance 1997-65 and to re-establish and enact regulations governing fireworks within the Town of Rolling Hills.

Section 1 – Definitions

For the purposes of this ordinance, fireworks shall be deemed to include the following: firecrackers, torpedoes, skyrocketes, roman candles, bombs, fountains, helicopters, or any other device commonly used or sold as fireworks or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

Section 2 – Prohibition of Fireworks

The use of fireworks within the boundaries of the town is hereby prohibited except on July 3rd, 4th and/or 5th as determined by Council. On or before the second Governing Body Meeting in May of each calendar year, Council will decide via resolution and by a majority vote which of these day(s) to allow fireworks and publish the same at the town hall. Such determination will be based on the availability of fire suppression and law enforcement. On any allowed day, fireworks will only be detonated between the hours of noon and midnight. Fireworks can be detonated on from 10pm December 31st until 12:30am January 1st. No fireworks may be detonated on public property or on public streets or roads at any time.

Section 3 – Permit Required

Any home owner or lessee of any property within the boundaries of the town is required to purchase a permit for detonation of fireworks by the last business day of June in each calendar year. The form and cost of said permit shall be set out via resolution. If fireworks are prohibited as set out in Section 4 below after the purchase of a permit, the permit fee shall be credited back to the permit owner. Any home owner or lessee who detonates fireworks without a permit shall be in violation of this ordinance and shall not be eligible for a permit the following calendar year. Any permit owner who detonates fireworks and causes damage to any personal or real property, and/or requires the assistance of fire suppression or law enforcement, or violates any other town ordinance during the times of detonation, shall not be eligible for a permit the following calendar year.

Section 4 – Damages

Any person who causes damage to any personal or real property, including livestock, shall be liable for that damage including, but not limited to, costs of fire suppression, law enforcement, replacement costs of property, court fees, attorney fees, and any other fee, fine or cost that may arise from said damages.

Section 5 – Exception in Case of Danger

If the town council, by a majority vote and in their sole discretion, determines fire conditions to be dangerous, the town council may prohibit the use, sale or possession of fireworks on the above dates as well. After such a determination, the council shall have copies of such prohibition posted as notice in at least 3 places within the town.

Section 6 – Penalty

Any person found guilty of violating this ordinance shall be guilty of a misdemeanor and shall be fined in an amount not to exceed \$750.

Passed and Approved May 17, 2016
Mayor Jon O. Maines