

ORDINANCE NO. 658

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SECTION 38-123, "FIREWORKS" OF ARTICLE IV "OFFENSES INVOLVING PUBLIC SAFETY" IN CHAPTER 38 "OFFENSES AND MISCELLANEOUS PROVISIONS" TO ADD FURTHER PROVISIONS AND PROTECTIONS

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Amendment. That Section 38-123 titled "Fireworks" of Chapter 38, Article IV "Offenses Involving Public Safety" is hereby repealed and readopted to hereafter read as follows:

Section 38-123. Fireworks.

- (a) It shall be unlawful for any person to ignite, discharge or use fireworks except on the day preceding, the day of, or the day after a national holiday.
- (b) No person shall at any time or on any day, national holiday or otherwise, use, discharge or ignite any fireworks in public parks, public streets, public schools, public sidewalks, public easements or rights of way or any other public property.
- (c) No person shall at any time or on any day, national holiday or otherwise, use, discharge or ignite any fireworks on the property of another person or organization without that organization or person's express permission to use fireworks on those premises. The person using the fireworks bears the burden of proof of showing he or she received express permission to use fireworks at that location and must be able to present such proof to any peace officer upon request.
- (d) No person shall at any time or on any day, national holiday or otherwise, use, discharge or ignite any fireworks in such a manner or way that results in fireworks being projected or propelled onto the property of another person without that person's express permission to project or propel fireworks onto their premises. The person using the fireworks bears the burden of proof of showing he or she received express permission to project or propel fireworks onto the property of another person and must be able to present such proof to any peace officer upon request.
- (e) No person shall at any time or on any day, national holiday or otherwise, use, discharge or ignite any fireworks during the hours of 11:00 p.m. and 9:00 a.m. so as to preserve and not disturb the peace or the ability to sleep of residents.

- (f) Any costs the city incurs to respond to and /or remediate any damage to public or private property or injury to another person as a result of the legal or illegal discharge or use of fireworks shall be paid by any person responsible for the ignition, discharge or use of fireworks that caused the damage or injury. The city may pursue any legal remedies to collect such costs.
- (g) The provisions in this section shall not apply to displays sponsored by the city.

ARTICLE II. Penalty: A person violating this ordinance shall be deemed guilty of a misdemeanor and punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on September 17, 2012, shall be given a second reading on October 1, 2012, shall be adopted on October 1, 2012, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 1st day of October, 2012.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on October 1, 2012.

Cynthia M. Hutchison, City Clerk