

10-1102: PRIVATE POSSESSION AND USE OF 1.4G CONSUMER FIREWORKS:

A. Private persons may possess and discharge permissible fireworks, but only as provided by this ordinance. Possession and/or discharge of permissible fireworks contrary to this ordinance shall be deemed a misdemeanor punishable by a fine of \$100.00 per occurrence, together with restitution for any and all damages caused by the violation. Any permissible fireworks possessed or discharged in violation hereof shall be deemed contraband and may be seized by the Eufaula Police Department and/or the Eufaula Fire Department.

B. For purposes of this ordinance "permissible fireworks" shall mean Class 1.4G Consumer Fireworks. The term "fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares or model rockets.

C. Permissible fireworks must be discharged on a non-combustible surface of sufficient size to contain the entire ground portion of the display and not closer than twenty-five (25) feet to any permanent structure.

D. Private persons may possess and safely discharge permissible fireworks from July 1 through July 5, and from December 30 until January 2, according to the following authorized schedule:

1. From 11:00 a.m. through 10:00 p.m. during July 1 through July 3; July 5 and January 1 and 2.
2. From 10:00 a.m. through 11:59 p.m. on July 4th.
3. From 11:00 a.m. on December 31st through 12:30 a.m. on January 1st.

E. Private persons may not use or discharge permissible fireworks on any public street, alley, or other public right of way. Additionally, private persons may not use or discharge permissible fireworks on any property (public or private) without express permission from the property owner(s).

F. The possession and/or use of permissible fireworks by any minor child under sixteen (16) years of age is prohibited unless said minor child is immediately and directly supervised by a responsible adult.

G. Possession or discharge of permissible fireworks by a person under the influence of, or impaired by, any intoxicating substance is prohibited and is punishable as provided herein.

H. It is unlawful for any person to explode, throw or discharge fireworks from a motor vehicle.

I. Persons who discharge permissible fireworks have an affirmative duty to safely and promptly remove fireworks debris and properly dispose of the same, and no fireworks can be left unattended at any time. Failure to do so is prohibited and punishable as provided herein.

J. It is unlawful for any person to store or keep within the City any nitroglycerin, dynamite, gunpowder, or any other highly explosive material or substance, except that gunpowder may be kept in quantities of not to exceed five (5) pounds where the same is

securely kept. An exception may be granted for licensed manufacturers, distributors and/or wholesalers, but the exception must be explicitly authorized in the permit provided for in Section [10-1105](#) of this Chapter.

(Ord. 20-03-01, passed 3-2-2020)