

STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY
CITY OF WINONA

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF WINONA, MISSISSIPPI TO GOVERN AND RESTRICT USE
OF FIREWORKS WITHIN THE CITY AND TO PROVIDE FOR PENALTIES
FOR THE VIOLATION THEREOF.**

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Montgomery County, Mississippi are authorized and granted authority pursuant to Miss. Code Ann. Section 45-13-13 (1972) in matters involving the possession, sale and use of fireworks within the corporate limits of the City;

AND WHEREAS, the Mayor and Board of Aldermen find it necessary to enact an Ordinance regulating the discharge of fireworks within the City, and to provide penalties for the violation of said Ordinance, for the abatement of the nuisance and hazards to the public safety caused by fireworks for the causes and reasons aforesaid.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF WINONA, MISSISSIPPI AS FOLLOWS:

Section 1. That the matters and facts found and adjudged in the preamble to this Ordinance be, and the same are hereby adopted herein.

Section 2. That effective in the time and manner prescribed by law, within the corporate limits of the City of Winona, Mississippi:

a) No person or entity shall sell firearms within the city limits of Winona except during the following times:

1. December 20 through January 2;
2. July 1 through July 5.

b) No person shall discharge fireworks within the city limits of Winona except during the following times:

1. July 2 and July 3 from 9:00 o'clock a. m. until 10:00 o'clock p.m.;
2. July 4 from 9:00 o'clock a.m. until midnight;
3. July 5 if said date occurs on a Saturday from 9:00 o'clock a.m. until 10:00 p.m. and if said date occurs on a Sunday from 1:00 o'clock p.m. until 10:00 o'clock p.m.

4. Between December 24 and January 2 from 9:00 o'clock a.m. until 9:00 o'clock p.m., with the exception that on New Year's Eve the time period shall be extended until 12:30 a.m. on January 1 of each year.

c) No person or entity shall display fireworks signage or any other advertisement for the sale of fireworks (i) before December 17, and the same shall be removed by January 3; and (ii) before June 30, and the same shall be removed by July 5.

Section 3. Only Class C common fireworks labeled pursuant to regulations of the Interstate Commerce Commission may be discharged within the City of Winona. All other explosives, gunpowder or other fireworks are prohibited from being discharged.

Section 4. (a) It shall be unlawful to ignite or discharge fireworks of any type within three hundred (300) feet of any church, hospital or school, or within 200 feet of where fireworks are stored or offered for sale.

(b) Fireworks shall not be sold or displayed within seventy-five (75) feet of gasoline, diesel pumps or storage facilities, or any other type building or business. The Fire Chief's Office may grant exceptions providing the safety of the citizens is taken into consideration and the owner of the business agrees with the stand being closer than seventy-five [75] feet from the business. No fireworks shall be sold at a location within the City of Winona if the Fire Chief determines that for any reason the location for selling fireworks poses an immediate risk to the public. Any person, firm or corporation or other entity aggrieved by the decision of the Fire Chief may petition the Mayor and Board of Aldermen to reconsider the decision of the Fire Chief.

(c) It shall be unlawful to explode or discharge any fireworks within seventy-five (75) feet of any railroad depot, cotton or hay warehouses, wood yards, fireworks stands, child care facility, propane gas tank/ gas or propane gas distributor, gas station, convenience store, wholesaler, retailer, seller or storage facility where combustible substances are sold, stored or maintained. It shall also be unlawful to ignite or discharge the fireworks within, or throw the same from, or into or at any motor vehicle.

(d) The discharge of fireworks within the City must be on private property with the property owner's permission. Fireworks may not be possessed, used, or discharged on public property such as parks, city buildings, courthouses or other public property.

(e) Any person less than 18 years of age must be supervised by an adult if discharging fireworks within the city limits of Winona.

(f) No discharge of fireworks within the City of Winona shall be permitted if a current burn ban in effect.

Section 5. (a) PERMIT FOR PUBLIC DISPLAY REQUIRED. All persons discharging fireworks for public display within the city limits shall obtain a city permit. Permits will be issued only to those persons with the requisite competence and skill in the opinion of the fire chief and only when in the opinion of the fire chief the proposed display will be conducted in a manner not hazardous to persons or property. A display for family and friends does not qualify as a public display. An applicant shall file a resume showing previous public displays of fireworks in which applicant supervised or handled such fireworks and showing the names and phone numbers of a contact person with the organization putting on the display.

(b) APPLICATION FOR PERMIT. (1) An applicant for a public exhibition or display of fireworks shall file with the city clerk a written application duly subscribed and sworn to by the applicant.

(2) Such application shall set forth the following:

(i) The name of the association, organization or corporation, together with the names of the persons to be in charge of the sales or of the firing and discharging of the display; (ii) The date and time of the day at which the sales or display is to be held; (iii) The exact location planned for the display; (iv) The number and kinds of fireworks to be discharged at the display; (v) The manner and place of the storage of fireworks for the display between the date of purchase and the date of display; (vi) A diagram or sketch of the grounds on which the display is to be held, showing the point at which the fireworks are to be discharged; the location of all buildings, streets and other lines of communication; the lines behind which the public will be restrained; and the location of all nearby trees, electric wires, telephone lines, or other overhead obstructions; (vii) A sales tax number or else the applicant shall supply one to the city clerk two weeks before display is scheduled to occur.

(3) An application fee for display shall be charged in an amount of \$100.00.

(c) INSURANCE POLICY REQUIRED. Before a permit will be issued for the sale of fireworks, or for a display exhibition or display of fireworks, the applicant shall file with

the city clerk a certificate of liability insurance approved as to form by the city attorney stating that the applicant has a liability insurance policy in the minimum amount of \$100,000 for one person and \$500,000 for injury to or death of more than one person, and \$100,000 coverage for damage to property. The certificate of insurance shall name the city as an additional named insured or loss payee.

(d) CONDUCT OF PUBLIC DISPLAY. No public fireworks display shall be discharged, ignited, or exploded at any point in the city within 200 feet of any hospital, sanitarium, nursing home, health care facility, infirmary or similar facility.

(1) The audience at a public display of fireworks shall be restrained a safe distance from which the fireworks are discharged, and only persons in active charge of the display shall be allowed inside these lines.

(2) All fireworks that fire a projectile shall be set up so that the projectile will go into the air as nearly as possible at an angle of not more than 15 degrees from vertical and directed away from spectators. The falling residue from the deflagration must not fall on adjacent property.

(3) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a safe manner for the particular type of fireworks and as directed by the fire chief.

(4) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 30 miles per hour. In such cases the fire chief may authorize the display at a future date suitable to the group holding the display. There shall be at all times at least two operators of the display constantly on duty during the discharge, at least one of which shall be an adult.

(e) FIRE EXTINGUISHERS AT PUBLIC DISPLAY. At a public display of fireworks, at least two fire extinguishers of a type approved by the fire chief shall be kept at as widely separated points as possible within the actual area in which the discharging is being done.

Section 6. Penalties:

(a.) For a violation of this Ordinance, a violator may be fined in an amount not to exceed \$250.00 for a first violation; and a fine of up to \$500.00 and thirty days in jail for a second or subsequent violation.

Section 7. This Ordinance shall supplement any other Ordinance of the City of Winona and in addition to the requirements set forth herein this article does hereby incorporate any and all provisions of the law pertaining to MCA 1972, §§ 45-13-1—45-13-15.

Section 8. The City Clerk is authorized to publish this Ordinance in *The Winona Times* in the time and manner authorized by law.

Section 9. All prior Ordinances of the City of Winona, Mississippi, prohibiting the discharge of firearms within the corporate boundaries of the City of Winona are hereby repealed.

The above and foregoing Ordinance having been first reduced to writing, was read and considered section by section and then as a whole, a motion to adopt the foregoing Ordinance being made by Alderman Austin, duly seconded by Alderwoman Minnieweather, the vote section by section and then as a whole being as follows:

1. SECTIONS ONE - NINE:

Alderman Mickey Austin voted	“Aye”
Alderman Travis Johnson voted	“Aye”
Alderman Kelvin Winbush voted	“Aye”
Alderwoman Sarah Minnieweather voted	“Aye”
Alderman David Ware voted	“Aye”.

2. AS A WHOLE:

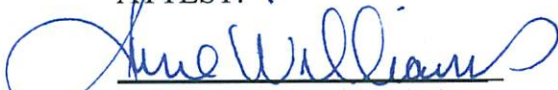
Alderman Mickey Austin voted	“Aye”
Alderman Travis Johnson voted	“Aye”
Alderman Kelvin Winbush voted	“Aye”
Alderwoman Sarah Minnieweather voted	“Aye”
Alderman David Ware voted	“Aye.”

Thereupon, the Mayor declared said Motion carried and said Ordinance adopted on this the 2nd day of February 2021.




Jerry Flowers, Mayor

ATTEST:


June Williams, City Clerk

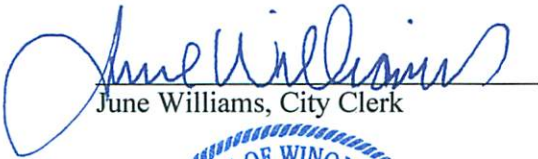
CERTIFICATE

I, June Williams, Clerk of the City of Winona, Mississippi, hereby certify that the attached documentation constitutes a true and correct copy of the following titled ordinance:

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF WINONA, MISSISSIPPI TO GOVERN AND RESTRICT USE
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As approved and adopted on the 2nd day of February, 2021 and set forth in Ordinance Book 8 on
Pages 933-938 and in Minute Book Number 64 on Pages 11922-11921

This the 2nd day of February, 2021.


June Williams, City Clerk

