

Board of County Commissioners

**Proposed Orange County Fireworks Ordinance
Chapter 28 Article VI
Sections 28-128 through 140**

Public Hearing

June 17, 2025



Agenda

- Purpose
- Background
- General Statement of Applicable Law
- Overview
- Key Elements
- Action Requested



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Purpose

- To provide for effective enforcement of the State of Florida's provisions related to the permitted use of fireworks in Chapter 791, Florida Statutes by amending Chapter 28 of the Orange County Code ("Nuisances") to create Article VI, ("Fireworks"); adding new sections 28-128 through 28-140 related to the use and discharge of fireworks



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Background

- **Concern**
 - Residents' complaints to Board about an alleged illegal use of fireworks in a neighborhood
- **Goal**
 - To provide for effective enforcement of the State of Florida's provisions related to the permitted use of fireworks in Chapter 791, Florida Statutes



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General Statement of Applicable Law

- **Governing Law -- Chapter 791, Florida Statutes**
 - Regulates the sale, use, and storage of Fireworks
- **Summary of relevant provisions**
 - Requires uniform application throughout the State
 - Defines fireworks and any combustible or explosive composition or substances, except items specifically excluded from the definition of fireworks
 - Provides for enforcement of Chapter 791 by local law enforcement departments and officials charged with enforcement of laws of the State
- **Allows counties and municipalities to adopt reasonable rules and regulations for the granting of permits for the supervised display of fireworks by the following groups:**
 - *Fair associations*
 - *Amusement parks*
 - *Other organizations or groups of individuals*





General Statement of Applicable Law

- **Summary of relevant provisions (continued)**
 - Does not prohibit the use of fireworks solely and exclusively during the following designated holidays
 - *January 1 (New Year's Day)*
 - *July 4 (Independence Day)*
 - *December 31 (New Year's Eve)*
 - Requires uniform application throughout the State
- **Prohibits local governments from adopting regulations and laws (after March 8, 2007) that directly prohibit or interfere with the following:**
 - State safety standards
 - The right to purchase, sell use, or possess consumer fireworks





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- **The proposed Fireworks Ordinance incorporates into the Code the prohibitions of Chapter 791, Florida Statutes, and provides the following:**
 - General prohibitions against the use of fireworks
 - Includes the municipalities of the County within its territorial scope of enforcement
 - Provides exemptions
 - Allocates responsibility for noncompliance to individuals
 - Provides for enforcement and abatement of the illegal use of fireworks as a nuisance

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Key Elements

- **Provides a general prohibition against the use of fireworks as follows:**
 - **No person is permitted to use, explode, or discharge fireworks in the County, unless:**
 - **The person first obtains an appropriate county permit for the public display of fireworks or pyrotechnics as provided in Section 21-75 of the Orange County Code of Ordinances; or**
 - **The use is by a railroad or other transportation agency for illumination or signal purposes, or the use is associated with quarrying, blasting, or another industrial purpose in accordance with Section 791.04, Florida Statutes; or**
 - **The use is in conjunction with a bona fide agricultural use, as provided in Section 791.07, Florida Statutes**
 - **The use is on a designated holiday as provided in Section 791.08 Florida Statutes**
 - **The use is allowed by Chapter 791, Florida Statutes, as it may, from time to time, be amended**



Key Elements

- **Designates the prohibited use of fireworks as a nuisance as follows:**
 - The use of fireworks on a day or in a manner that is not allowed by Chapter 791, Florida Statutes, is prohibited and shall constitute a nuisance
- **Provides for enforcement of the ordinance as follows:**
 - Allocates responsibility for noncompliance to individuals
 - Provides for enforcement and abatement of nuisance
 - Any person may bring a complaint alleging a prohibited use of fireworks
 - Referral of fireworks complaints to the Sheriff's Office for personal investigation



Key Elements

- **Provides for enforcement and penalties:**
 - If the investigating officer finds probable cause to believe a person is in violation of the ordinance, the investigating officer may issue:
 - a written warning for the person to cease and desist the activity, or
 - a citation
 - If the person does not take corrective action to cease and desist from the activity stated in the written warning or in a reasonable time, which is defined to mean five (5) minutes or to be immediately, the officer may issue a written civil citation, punishable by a fine as follows:
 - \$200 for a first offense
 - \$400 for a second offense
 - Up to \$500 and a mandatory court appearance for a third offense and each subsequent violation



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Action Requested

- Approval of the Proposed Ordinance Pertaining to Nuisances In Orange County, Florida; Amending Chapter 28 of the Orange County Code (“Nuisances”) to Create Article VI, (Fireworks); Adding New Sections 28-128 through 28-140 Related to the Use and Discharge of Fireworks; Providing Definitions; Providing Scope of Territorial Application; Providing Prohibitions; Providing Exemptions; Providing Responsibility for Noncompliance; Providing for Enforcement; Providing for Appeals; Providing Penalties; and Providing an Effective Date. All Districts.

and
- Authorization for staff to correct any non-substantial grammatical or scrivener’s errors within the Ordinance.