



***Board of County Commissioners***

**Proposal for an  
Orange County  
Fireworks Ordinance**

**Work Session**

**May 20, 2025**



# Presentation Overview

- **Purpose of the Work Session**
- **Background**
- **General Statement of the Applicable Law**
- **Three Possible Options for Resolution of Illegal Use of Fireworks**
- **Key Elements of a Proposed Fireworks Ordinance**
- **Board Action Requested**



# Purpose of the Work Session

- To receive the Board's direction on a proposal to provide for effective enforcement against the unauthorized use of fireworks by incorporating the State's limitations on the use of fireworks into the Orange County Code of Ordinances.



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# Background for the Work Session

- Concern: Residents' complaints 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 the Applicable Law

- **Governing Law -- Chapter 791, Florida Statutes**
  - regulates the sale, use and storage of fireworks
- **Summary of relevant provisions of Chapter 791**
  - Requires uniform application throughout the State
  - Defines fireworks as any combustible or explosive composition or substance or combination of 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







# General Statement of the Applicable Law

## Summary of relevant provisions of Chapter 791 (cont.)

- 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*
- 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)*
- Prohibits local governments from adopting regulations and laws (after March 8, 2007) that directly prohibit or interfere with the following:
  - *state safety standards, or*
  - *the right to purchase, sell, use, or possess consumer fireworks*







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# Possible Options for Resolution of the Illegal Use of Fireworks

## Three Possible Options for Resolution of Illegal Use of Fireworks

1. Enforce Chapter 791, Florida Statutes, without an ordinance
2. Enforce the Noise Ordinance prohibitions against noise in excess of allowed sound levels
3. Enact an ordinance that incorporates the prohibitions of Chapter 791, Florida Statutes, and that provides the following:
  - a. General prohibitions against the use of fireworks
  - b. Allocates responsibility for noncompliance to individuals
  - c. Provides for enforcement and abatement of the illegal use of fireworks as a nuisance



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# Key Elements a Proposed Ordinance

## **Provide general prohibitions against the use of fireworks as follows:**

- No person or entity is permitted to use, explode, or discharge fireworks in the county, unless:
  - The person or entity first obtains an appropriate county permit for the 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.



# Key Elements a Proposed Ordinance

## **Designate 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

## **Provide for enforcement of the ordinance as follows:**

- Allocate responsibility for noncompliance to individuals
- Provide for enforcement and abatement of nuisance
  - Any person may bring a complaint alleging a prohibited use of fireworks
  - Fireworks complaints would be referred to and received by the Sheriff's Office for personal investigation



# Key Elements of a Proposed Ordinance

## Enforcement and Penalties

### 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
  - Issue a citation.
  
- If the person does not take corrective action to cease and desist from the activity stated in the written warning 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:
  - \$200.00 for a first offense
  - \$400.00 for a second offense
  - Up to \$500.00 and a mandatory court appearance for a third offense and each subsequent violation



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# Board Action Requested

- Approval for the County Attorney's Office to prepare an Orange County Fireworks Ordinance that provides for enforcement as follows, either:
  - A. Countywide, or
  - B. Within unincorporated Orange County only
- Other action

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