

ORDINANCE NO. 2025-____

AN 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.

WHEREAS, the Orange County Board of County Commissioners (the “Board”) desires to protect the health, safety, and general welfare of the residents of the County; and

WHEREAS, the Board recognizes that the use and discharge of fireworks in a manner prohibited by state law could pose a danger to the health, safety, and general welfare of the residents of the County; and

WHEREAS, the Board desires to provide for the effective enforcement of the State’s prohibitions against the use and discharge of fireworks by incorporating such provisions into the Orange County Code of Ordinances (“Orange County Code”),

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendment of Chapter 28 to create Article VI, “Fireworks,” with new sections 28-128 through 28-140, to read as follows:

CHAPTER 28 - NUISANCES

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ARTICLE VI. - FIREWORKS

Sec. 28-128. Definitions.

As used in this article, the following words and terms shall have the meaning ascribed thereto:

County means the unincorporated and incorporated areas of Orange County, Florida.

Fireworks shall have the same meaning as specified in Section 791.01, Florida Statutes, as it may, from time to time, be amended.

Person means an individual, partnership, corporation, association, or other entity.

Sec. 28-129. Scope of territorial application.

This Article shall be effective within the unincorporated and incorporated areas of the County. However, if a municipality maintains an ordinance covering the same subject matter, activity, or conduct as this County ordinance, then this ordinance shall not be effective in that municipality.

Sec. 28-130. Use of fireworks; permitted uses; nuisance.

(1) No person is permitted to use, explode, or discharge fireworks in the County, unless:

(a) 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

(b) 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

(c) The use is in conjunction with a bona fide agricultural use, as provided in Section 791.07, Florida Statutes, or

(d) The use is on a designated holiday as provided in Section 791.08 Florida Statutes, or

80 (e) The use is allowed by Chapter 791, Florida
82 Statutes, as it may, from time to time, be amended.

84 (2) The use of fireworks on a day other than a designated
86 holiday under Section 791.08, Florida Statutes, or in a manner that
88 is not permitted herein is prohibited and shall constitute a nuisance
unless otherwise allowed under Chapter 791, Florida Statutes, as it
may, from time to time, be amended.

90 **Sec. 28-131. Responsibility for noncompliance with this**
92 **article.**

94 Any person who violates this Article shall be individually
96 responsible for any failure to comply with this Article.

98 **Sec. 28-132. Enforcement; penalty; abatement of nuisance.**

100 (1) It shall be unlawful for any person to violate Section
102 28-130 of this Article. Section 28-130 may be enforced by issuance
of a written warning or civil citation. Any person who receives a
written warning or civil citation for violation of Section 28-130,
may be penalized as set forth in this Section. Each violation shall
be considered a separate offense.

106 (2) Any person may bring a complaint alleging a use of
108 fireworks that is prohibited by this Article.

110 (3) (a) When a fireworks complaint is received and
112 referred to the Sheriff's Office for investigation pursuant to this
Article, and upon personal investigation the investigating officer
finds probable cause to believe a person is in violation of Section
28-130, the investigating officer may issue a written warning for
the person to cease and desist the activity causing the alleged
violation or issue a citation.

114 (b) If the person does not take corrective action to
116 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
118 mean immediately if the investigating officer has reason to believe
that the violation presents a serious threat to the public health,
120 safety, or welfare, or if the violation is irreparable or irreversible,
or if the prohibited activity is abated after the warning and then
122 reoccurs within one hundred eighty (180) days of the time of
abatement, the investigating officer may issue a citation as outlined
124 in subsection 28-132(c) below.

(c) Upon determination that a violation of Section 28-130 has occurred, the investigating officer may issue a civil citation pursuant to the requirements provided in Section 162.21, Florida Statutes, which shall be punishable by a fine of two hundred dollars (\$200.00) for the first offense and four hundred dollars (\$400.00) for the second offense. A third and each subsequent violation of the same provision requires a mandatory court appearance and may be punishable by a fine of five hundred dollars (\$500.00). For the purpose of enforcement of this Article pursuant to the requirements of Section 162.21, Florida Statutes, an investigating officer of the Sheriff's Office is designated as a code enforcement officer.

(d) If the person cited elects to pay the applicable civil penalty for a first or second violation, the person shall be deemed to have admitted the infraction and waived the right to a hearing. If the person cited fails to pay the civil penalty by the fourteenth (14th) day after issuance of the citation or fails to request a court hearing within the time prescribed, the person shall have waived any right to contest the citation, and a judgment shall be entered against the person cited in an amount up to the maximum civil penalty, which shall not exceed five hundred dollars (\$500.00).

Sec. 28-133. Appeals.

Any person against whom a judgment is issued by the county court pursuant to this Article, may appeal such judgment within thirty (30) days of issuance of the judgment, in accordance with the applicable judicial appellate procedures.

Sec. 28-134. Penalties.

Each violation of this Article shall constitute a separate offense punishable as a civil infraction as provided in Section 1.9 of the Orange County Code that provides for a fine not to exceed five hundred dollars (\$500.00) per violation. Nothing in this section shall be construed as prohibiting the County from pursuing alternate permissible legal remedies, including seeking to enjoin an existing or ongoing violation of this Article.

Secs. 28-135. – 28-140. – Reserved.

Section 2. *Effective date.* This ordinance shall take effect pursuant to general law.

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ADOPTED THIS ____ DAY OF _____, 2025.

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ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

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By: _____

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Jerry L. Demings

Orange County Mayor

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180 ATTEST: Phil Diamond, CPA, County Comptroller

As Clerk of the Board of County Commissioners

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By: _____

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Deputy Clerk