

**ORDINANCE NO. 2023 - 007**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES CODE OF ORDINANCES TO PROVIDE A NEW SECTION PERTAINING TO THE USE OF FIREWORKS WITHIN THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute Chapter 791 (Sale of Fireworks) regulates the sale and use of fireworks; and

**WHEREAS**, the Town Council recognizes State regulations and the established designated holidays as outlined in Florida Statute Chapter 791; and

**WHEREAS**, the Town Council determines upon its review of our local conditions that more detailed requirements than those specified in Florida Statute Chapter 791 are necessary; and

**WHEREAS**, the Town is a rural residential and agrarian community that seeks to preserve its rural lifestyle; and

**WHEREAS**, fireworks generate extreme sound, which has been found to impact farm animals by creating extreme stress and fertility problems; and

**WHEREAS**, the Town believes that it is in the best interest of the health, safety, and welfare of the Town and its residents to regulate the use of fireworks within the Town, as limited by state law;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**SECTION 1: Ratification.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**SECTION 2: Text Amendment.** The Town of Southwest Ranches' Unified Landed Development Code shall be amended to include the following provision:

Use of fireworks within the Town

1. It shall be unlawful for any person, firm, partnership, corporation, or business entity of any other type to offer for sale or display or to use

or explode any fireworks within the Town of Southwest Ranches except as provided in Florida Statute Chapter 791, as may be amended from time to time.

2. It shall be unlawful to discharge any fireworks in public rights-of-way, streets, parks, or other public properties.

3. It shall be unlawful for any person to throw, cast or propel fireworks of any kind in the direction of or into the path of any person or group of persons, animal, or farm animal, or from, in the direction of or into any vehicle of any kind.

4. Low-decibel fireworks (100 decibels or less) may be permitted provided that a permit is issued by the Town. In determining whether a permit should be issued the applicant shall demonstrate, to the reasonable satisfaction of the Town that:

- (1) That residents within 450 feet of the site have been notified of the request.
- (2) That the request is limited to a specific date and time;
- (3) That the request will not be deleterious to the surrounding community;
- (4) That there is no livestock maintained within 750 feet. The applicant is exempted from this provision for their own livestock; and
- (5) That the request has been made at least 30 days in advance.

When permitted under state law, noise from firework activity must conclude at 11:59 p.m., except for New Year's Eve leading into New Year's Day, and all debris from fireworks must be collected within 24 hours, placed in a solid waste container, and placed for pick-up on the next available waste collection day.

A violation of this provision shall be deemed to cause irreparable harm to the community and shall be enforced to the maximum amount allowed by law.

Nothing herein seeks to usurp the State of Florida's regulation of fireworks. If any of the provisions stated herein conflict with any state or federal law to the contrary, such state or federal law shall take precedence.

**SECTION 3: Conflict:** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 4: Severability:** If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5: Effective Date:** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 24<sup>th</sup> day of August, 2023, on a motion made by Council Member Jablonski and seconded by Council Member Kuczenski.

**PASSED AND ADOPTED ON SECOND READING** this 14<sup>th</sup> day of September, 2023, on a motion made by Chm Jablonski and seconded by Chm Kuczenski.

Breitkreuz Yes  
Allbritton Yes  
Hartmann Yes  
Jablonski Yes  
Kuczenski Yes

Ayes 5  
Nays 0  
Absent 0  
Abstaining 0

  
\_\_\_\_\_  
Steve Breitkreuz, Mayor

Attest:

  
\_\_\_\_\_  
Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness

  
\_\_\_\_\_  
Keith M. Poliakoff, J.D.  
1001.2356.01