

**Amendment to Helena City Ordinance 428**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HELENA, ALABAMA that Ordinance number 428 adopted by the Mayor and Town Council of the City of Helena, Alabama on December 20, 1993 should be and the same is hereby amended to read as follows:

**SECTION 1.**

(a) That it shall be unlawful for any person to light, shoot or fire any fireworks of any nature, kind or description in the public streets, avenues or alleys or on the premises of any business or business house in the corporate limits or police jurisdiction of the City of Helena, Alabama.

(b) That the lighting, shooting or firing of 1.3G and/or 1.4G Consumer Fireworks as presently or hereby defined by the U.S. Department of Transportation on private property shall be unlawful except on Independence Day, the 4th of July, between the hours of 7PM and 11PM and on New Year's Eve, from 11:30 p.m. on December 31 through 12:30 a.m. on January 1. The lighting, shooting or firing of all other classifications of fireworks on private property is expressly prohibited.

(1) Any/all current ordinance(s) regulating noise shall be suspended Independence Day, the 4th of July, between the hours of 7PM and 11PM and on New Year's Eve, from 11:30 p.m. on December 31 through 12:30 a.m. on January 1.

(2) The property owner assumes all risk and liability for any and all consequences of lighting, shooting or firing fireworks on their private property, which may include and is not limited to: debris cleanup, property damage and/or injury.

(3) Minor children up to age 18 are expressly prohibited from lighting, shooting or firing fireworks without the supervision of an adult 18 years of age or older.

**SECTION 2.** It shall be unlawful for any person, form or corporation to barter, sell or keep for sale any fireworks of any nature, kind or description within the corporate limits of the City of Helena, Alabama.

**SECTION 3.** Any person found to be in violation of Section One (1) or Section Two (2) of this ordinance shall, upon conviction, be punished by fine of not less than One and no/100 (\$1.00) Dollar nor more than Five Hundred and no/100 (\$500.00) Dollars and/or may be imprisoned or sentenced to community service for a period not exceeding six (6) months, at the discretion of the Court trying the case.

**SECTION 4.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full and force and effect, notwithstanding such holding.

**SECTION 5.** This ordinance will go into effect upon the passage and approval of the same and shall take effect in five (5) days after the publishing thereof by posting in three public places within the municipality, one of which shall be the United States Post Office, and one of which shall be Helena City Hall.

ADOPTED AND APPROVED this 12 day of June, 2017

[SEAL]



ATTEST:

Amanda C Traywick  
Amanda C. Traywick, City Clerk

Mark R. Hall  
Mark R. Hall, Mayor

Leigh Hulsey  
Leigh Hulsey, Council Member

Mike Jones  
Mike Jones, Council President

Alice Lobell  
Alice Lobell, Council Member

Laura Joseph  
Laura Joseph, Council Member

Harold Woodman  
Harold Woodman, Council Member