

ORDINANCE NO.: 2020- 8

AN ORDINANCE REMOVING THE PROHIBITION AGAINST THE USE OF FIREWORKS DURING A “DESIGNATED HOLIDAY” TO COMPLY WITH THE PREEMPTION SET FORTH IN SECTION 791.08 OF THE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Statement of Legislative Intent. Section 791.08 of the Florida Statutes creates an exemption from the prohibition of fireworks use on “designated holidays.” Section 18-123 of the Hernando County Code of Ordinances is amended to conform to this exemption.

Section 2. Exemption to Prohibition Against Fireworks Displays. Chapter 18, Article IV, Section 18-123(a) of the Hernando County Code of Ordinances is amended as follows:

Section 18-123. Prohibition(s).

(a) Prohibition generally. It is unlawful for any person, firm, co-partnership, or corporation to have in its possession, to offer for sale, expose for sale, sell at retail or use or explode any fireworks. This subsection does not prohibit the use of

1 fireworks during a “designated holiday,” as that term is defined by Section 791.08(1),

2 Florida Statutes, as it may be amended or renumbered from time-to-time.

3 **Section 3. Amendment to Land Development Regulations.** Chapter 23, Article VII,
4 Division 1, Section 23-229 of the Hernando County Code of Ordinances is amended as follows:

5 **Sec. 23-229. - Created.**

6 (a) *Necessity of land development regulations:* Pursuant to section ; 163.3202, Florida
7 Statutes, as may be amended or renumbered from time to time, the county shall adopt or
8 amend and enforce land development regulations that are consistent with and implement its
9 adopted comprehensive plan.

10 (b) *Compilation:* The Hernando County Land Development Regulations (“land development
11 regulations” or “LDRs”) are located throughout the Hernando County Code of Ordinances
12 and shall collectively comprise the following chapters or provisions of the code:

13 (1) Chapter 8, Buildings and Building Regulations.

14 (2) Chapter 10, Community Appearance Regulations.

15 (3) Chapter 13, Flood Damage Prevention and Protection Regulations.

16 (4) Chapter 18, Article II, Pain Management Clinic Registration.

17 (5) Chapter 18, Article III, Sexually Oriented Business.

18 (6) Chapter 18, Article IV, Fireworks.

- 1 ~~(7)~~(6) Chapter 19, Mining Regulations.
- 2 ~~(8)~~(7) Chapter 23, Planning.
- 3 ~~(9)~~(8) Chapter 24, Roads and Bridges, Article I, Section 24-2, Frontage Road
- 4 Regulations.
- 5 ~~(10)~~(9) Chapter 26, Subdivision Regulations.
- 6 ~~(11)~~(10) Chapter 28, Utilities, Article III, Division 3, Individual Sewage Disposal
- 7 Systems.
- 8 ~~(12)~~(11) Chapter 28, Utilities, Article VII, Groundwater Protection and Siting.
- 9 ~~(13)~~(12) Appendix A, Zoning.

10 **Section 4 Severability.** It is declared to be the intent of the Board of County
11 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
12 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
13 validity of the remaining portions of this ordinance.

14 **Section 5. Inclusion in the Code.** It is the intention of the Board of County Commissioners
15 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
16 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
17 section of this Ordinance may be renumbered or relettered to accomplish such intention, and that the
18 word "ordinance" may be changed to "section," "article," or any other appropriate designation.

DRAFT DOCUMENT: F:\1 COUNTY ATTORNEY'S OFFICE\KJB\Legal Requests\2020-233 Fireworks Ordinance\Amendment to Fireworks Display Ordinance Prohibitions.wpd, July 31, 2020 (1:11pm) NOTE: additions/~~deletions~~ = language proposed for addition/deletion to existing Code provisions.

Section 6. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 8th day of September 2020

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Heidi Krupke, P.C.
for DOUG CHORVAT JR.
Clerk

By: [Signature]
JOHN MITTEN
Chairman

Approved for Form and Legal Sufficiency

[Signature]
Assistant County Attorney

