

ORDINANCE NO. 2014-16

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PHENIX CITY, ALABAMA CHAPTER 11. FIRE PREVENTION AND PROTECTION. SECTION 11-14. FIREWORKS PROHIBITED.

BE IT ORDAINED, by the City Council of the City of Phenix City, Alabama, that the Code of Ordinances of the City of Phenix City, Alabama, Chapter 11. Fire Prevention and Protection. Section 11-14. Fireworks Prohibited is hereby amended to read as follows:

SECTION 11.14. Fireworks Prohibited.

- a) It shall be unlawful to possess, have in possession, sell, dispose of, give away, or otherwise dispose of, or explode fireworks within the corporate limits or police jurisdiction of the city unless it is a city sponsored or sanctioned event conducted by a State Licensed Pyrotechnic Expert.
- b) No such event shall occur without first obtaining a permit from the State of Alabama Fire Marshal and the Phenix City Fire Chief.
- c) Any person, firm or corporation, violating the provisions of this ordinance shall be guilty of a Class A misdemeanor and fined not less than \$100.00 nor more than \$1,000.00 or imprisoned for not less than 30 days, or more than one year or both, in the discretion of the court as per Code of Alabama, 1975, § 8-17-224 (Title 8. Commercial Law and Consumer Protection). The City shall have the right to revoke any permit issued for any violation of this article. Permits issued under this article shall not be assigned or transferred.

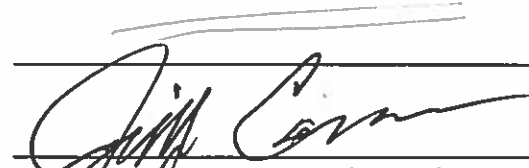
Any ordinance heretofore adopted by the city council of the City of Phenix City, Alabama which is in conflict with this ordinance is hereby repealed to the extent of such conflict.

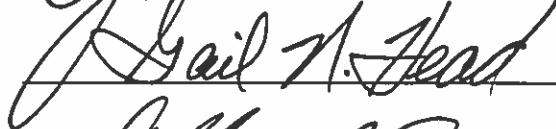
If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This ordinance shall take effect upon passage.

PASSED, APPROVED AND ADOPTED this 4th day of November, 2014.


MAYOR






MEMBERS OF THE CITY COUNCIL OF
THE CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. No. 1970-23, § 13, 9-29-70)

Sec. 11-13. Penalties for violation of Code or Chapter.

(a) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of commissioners or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than thirty (30) days nor more than one hundred eighty (180) days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 1970-23, § 14, 9-29-70)

Sec. 11-14. Fireworks prohibited.

It shall be unlawful to possess, have in possession, sell, dispose of, give away, or otherwise dispose of, or explode fireworks within the corporate limits or police jurisdiction of the city. (Ord. of 11-22-60, § 1)

State law reference—Fireworks, Code of Ala., Tit. 14, §§ 125(5)—125(15).
Supp. No. 14

Section 8-17-224**Penalty.**

Any individual, firm, partnership or corporation that violates any provisions of this article other than Section 8-17-218 shall be guilty of a Class A misdemeanor, and upon conviction shall be punished by a fine of not less than \$100 or more than \$1,000 or imprisoned for not less than 30 days, or more than, one year or both, in the discretion of the court. Any person convicted of manufacturing, shipping into, possessing, or selling any illegal fireworks described in Section 8-17-218 shall be guilty of a Class C felony and upon conviction shall be punished by a fine of not less than \$500 nor more than \$5,000 or imprisoned not less than one year and one day or more than 10 years, or both, in the discretion of the court.

(Acts 1981, No. 81-409, p. 638, §15; Acts 1987, No. 87-563, p. 876, §7.)

*H E Minutes # 897-498
Ordinance page 320*

AN ORDINANCE

AN ORDINANCE TO PROHIBIT THE SALE, POSSESSION AND EXPLOSION OF FIREWORKS WITHIN THE CORPORATE LIMITS AND POLICE JURISDICTION OF THE CITY OF PHENIX CITY, ALABAMA AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

Be it ordained by the Board of Commissioners of the City of Phenix City, Alabama, as follows:

SECTION 1. That it shall be unlawful to possess, have in possession, sell, dispose of, give away, or otherwise dispose of, or explode fireworks within the corporate limits or police jurisdiction of the City of Phenix City, Alabama.

SECTION 2. That this ordinance shall take effect on the 22 day of November, 1960.

SECTION 3. That any persons, firm or corporation, violating the provisions of this ordinance shall be fined not less than one nor more than one hundred dollars, and in addition thereto may be sentenced to hard labor by the City of Phenix City, Alabama, for not exceeding ninety (90) days, one or both, at the discretion of the officer trying the case.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby expressly repealed.

PASSED, ADOPTED, AND APPROVED this the 22 day of November, 1960.

ATTEST:

James D Luter
CITY CLERK

John W. Barber
H. E. Litter
MEMBERS OF THE BOARD OF COMMISSIONERS
OF THE CITY OF PHENIX CITY, ALABAMA

#4 Page 320 - Ordinance Book
" 497-498 Minutes Book

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PASSED, ADOPTED, AND APPROVED this the 22 day of November, 1960.

ATTEST:

James D. Luto
CITY CLERK

[Signature]

John W. G. [Signature]

[Signature]

MEMBERS OF THE BOARD OF COMMISSIONERS
OF THE CITY OF PHENIX CITY, ALABAMA

The Citizen

OF EAST ALABAMA

P.O. Box 1267
 Phenix City, AL 36868
 Phone 334-664-0145
 Fax 334-664-0154

Invoice

Date	Invoice #
11/13/2014	16456

Bill To:

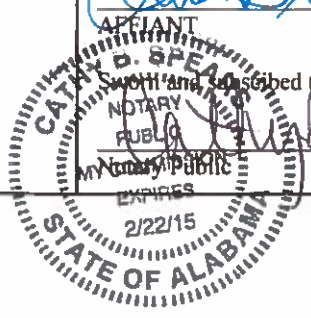
CITY OF PHENIX CITY
 ATTN: CITY CLERK
 601 12TH ST. PHENIX CITY, AL 36867

Please send your payments to:
 The Citizen of East Alabama,
 PO BOX 1267, Phenix City, AL
 36868. Thank you.

Due Date	Rep
12/31/2014	HOU

PLEASE REFERENCE INVOICE NUMBER ON YOUR CHECK

Item	Description	Run Date	Word Count	Tier	Rate	Amount
Legal	<p>PC5977 P.N. ORD NO. 2014-16</p> <p>State of Alabama Russell County</p> <p>Before me, a notary public in and for the county and state above listed, personally appeared Cynthia Blanco, who, by me duly sworn, deposes and says that:</p> <p>"My name is Cynthia Blanco. I am the legals clerk of The Citizen of East Alabama.</p> <p>The Citizen of East Alabama published the attached legal notice(s) in the issue(s) of: dates listed above. The sum charged for publication was the amount listed above. The sum charged by The Citizen of East Alabama for said publication does not exceed the lowest classified rate paid by commercial customers for an advertisement of similar size and frequency in the same newspaper(s) in which the public notice(s) appeared.</p> <p>There are no agreements between The Citizen of East Alabama and the officer or attorney charged with the duty of placing the attached legal advertising notices whereby any advantage, gain or profit accrued to said officer or attorney."</p> <p><i>Cynthia Blanco</i> APPLICANT</p> <p>Sworn and subscribed this <u>12</u> day of <u>NOV</u>, 20<u>14</u></p> <p><i>[Signature]</i> NOTARY PUBLIC My Commission Expires Feb. 22, 2015</p>	11/13/2014	371	4	15.00	60.00



Total	\$60.00
Payments/Credits	\$0.00
Balance Due	\$60.00

PC5977
ORDINANCE NO. 2014-18
AN ORDINANCE TO AMEND
THE CODE OF ORDINANCES
OF THE CITY OF PHENIX
CITY, ALABAMA CHAPTER
11. FIRE PREVENTION AND
PROTECTION. SECTION
11.14. FIREWORKS PRO-
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fined not less than \$100.00 nor
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per Code of Alabama, 1975, §
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tion). The City shall have the
right to revoke any permit is-
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signed or transferred.

Any ordinance heretofore ad-
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which is in conflict with this
ordinance is hereby repealed
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for any reason, such holding
shall not be construed to invali-
date or impair the remainder
of this ordinance, which shall
continue in full force and effect
notwithstanding such holding.
This ordinance shall take ef-
fect upon passage.

PASSED, APPROVED AND
ADOPTED this 4th day of No-
vember, 2014.

/s/ Eddie N. Lowe
MAYOR

/s/ Jim Cannon
/s/ Gail N. Head

/s/ Arthur Lee Day, Jr.
MEMBERS OF THE CITY COUN-
CIL OF THE CITY OF PHENIX
CITY, ALABAMA

ATTEST:

/s/ Charlotte L. Sierra
CITY CLERK
(11/13)