Ordinance No. 2476

ORDINANCE TO AMEND THE BILOXI CODE OF ORDINANCES, SPECIFICALLY, SECTIONS 13-1-12-FIREWORKS AND 23-4-3(D)(8)(M) - WHICH SECTIONS ADDRESS SEASONAL FIREWORKS SALES

WHEREAS, on Thursday, December 3, 2020, the Biloxi Planning Commission held a public hearing in the Auditorium of the Dr. Martin Luther King, Jr., Municipal Building, 676 Dr. Martin Luther King, Jr. Boulevard, Biloxi, Mississippi, to hear Case No. 20-050-PC, City of Biloxi, with respect to proposed Text Amendments to the Biloxi Code of Ordinances; and

WHEREAS, the Planning Commission members were apprised of the particulars of this case, being made cognizant of the fact that Section 13-1-12 Fireworks, and also Section 23-4-3(D)(8)(m) (reformed as the Biloxi Land Development Ordinance, sections which both address and provide language which deal with the sales and use of Fireworks within the City of Biloxi; and

WHEREAS, on December 3, 2020, the Biloxi Planning Commission, after some discussion, voted to recommend approval of the proposed changes to the City of Biloxi Code of Ordinances and Land Development Ordinance, as offered; and

WHEREAS, the Biloxi City Council, after further input from the Biloxi Fire and Police Departments, determines that the Text Changes proposed to the City of Biloxi Code of Ordinances and Land Development Ordinance, as amended, are appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT: SECTIONS 13-1-12-FIREWORKS AND 23-4-3(D)(8)(M) – *SEASONAL FIREWORKS SALES*, OF THE BILOXI CODE OF ORDINANCES, BE AMENDED AS FOLLOWS:

Ord. No. 2476

Fireworks and 23-4-3(D)(8)(m) – *Seasonal Fireworks Sales*, as follows:

Amend Section 13-1-12-Fireworks

(a) (i) The term "fireworks," as used in this section, shall mean all those items which are now or may hereafter be classified as "common fireworks" by the Interstate Commerce Commission, are labeled by said commission with the Class C common fireworks label, and which contain a statutorily restricted amount of pyrotechnic composition and were designed to produce an audible effect or pyrotechnic display by combustion; their explosive composition cannot exceed two (2) grains in weight; by way of example they shall include such items as cone fountains, fire crackers, small Chinese crackers, skyrockets, bottle rockets, small non-explosive Roman candles and rockets, pyrotechnics commonly known as "snap pops," or other matter or substances similar thereto. For purposes of this section the term "fireworks" shall also include such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOT~~n~~ for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, but does not include 1.3G fireworks, the sale of which is not permitted by this ordinance.

(ii) Excluded from the prohibition of this ordinance is the sale of toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used, and toy pistol paper caps manufactured as provided in this subsection, the sale and use of which shall be permitted at all times.

(b) Except as expressly authorized in section 23-4-2 of the Land Development Ordinance as to the time and location of permitted firework sales, it shall be unlawful for any person to possess, store, handle, deal in, sell or offer for sale within the city any fireworks.

(c) ~~Except as expressly authorized in subsection (d) of this section,~~ ~~it~~ It shall be unlawful for any person to shoot, discharge, fire, explode or otherwise use any fireworks on or in any of the streets, sidewalks, alleys or other public places or elsewhere within the city except for the fourth day of July, December 31 after 6:00 p.m. through 1:00 a.m. on January 1, the first, second, and third day of Tet, only in conjunction with the Dragon Dance, which requires a special permit from the Fire Department.

(d) It is unlawful to use fire or discharge any fireworks along the route of and during any parade or in any place of public assembly unless it is an event as described and authorized by permit. If the person in charge of or sponsoring any lawful public gathering, demonstration or celebration, desires to have a fireworks display at such gathering, demonstration or celebration, the mayor, with notification to the city council, may issue a permit authorizing the possession, and use of fireworks for such display, after first finding and determining that a reasonably competent person will be in charge of such display and that such display can be conducted at any such gathering, demonstration or celebration with reasonable safety.

(e) It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, or vehicle, nor shall any persons throw the same from a motor vehicle.

(f) It is unlawful to explode any fireworks within three hundred (300) yards of any railroad depot or warehouse as described under Mississippi State Statute 97-37-27.

(g) It shall be unlawful to explode or ignite fireworks within five hundred (500) feet of any church or school (while in session or during a church or school sponsored event), hospital, asylum, or within three hundred (300) feet of where fireworks are offered for sale.

And also, to modify the Land Development Ordinance (Section 23) as follows:

Amend – Section 23-4-3(D)(8)(m) – *Seasonal Fireworks Sales*, as follows:

Firework sales are allowed within an RB Regional Business zoning district as a Conditional Use and shall comply with the following standards:

1. Firework sales are seasonal sales only, within the times permitted by state law. No Fireworks shall be sold or offered for sale at retail within the City of Biloxi before the fifteenth day of June and after the ~~fifth~~ fourth day of July and before the fifth day of December and after the ~~second~~ first day of January of each year. No Fireworks shall be sold to any person under the age of 16 years or any intoxicated person. All persons involved in the sale of Fireworks shall be at least 18 years of age.

2. It shall be unlawful for any person to shoot, discharge, fire, explode or otherwise use any Fireworks upon any of the streets, sidewalks, alleys or other public places or elsewhere within the city. ~~[re:~~ unless otherwise authorized under City of Biloxi Code of Ordinances, Section 13-1-12(c) or~~]~~ 13-1-12(d).

3. A Conditional Use permit shall be required for each Seasonal Firework Sales operation, which Conditional Use permit will remain valid, unless modifications are made to the site, the temporary structure, or the location.

   (a) All fireworks licensees must be over the age of twenty-one (21) and provide a certificate of liability insurance for five-hundred thousand dollars ($500,000.00) naming the city of Biloxi as an additional insured. This certificate shall be provided to the city prior to receiving a "sale of fireworks conditional use permit".

   (b) No storage of any excess or unsold inventory will be allowed within the City of Biloxi after the expiration of the fireworks seasons. Violation of this section shall be grounds for immediate revocation of the fireworks permit.

   (c) No on-site storage trailers or containers shall be allowed; all fireworks merchandise shall be located in a secure enclosed area. All fireworks sold on-site shall be sold at a retail station.

4. Ownership and operation of the Conditional Use may not be transferred, subleased, sold or conveyed to any other individual, firm or entity. Any such change in ownership or operation will necessitate an application for a new Conditional Use permit.

5. All Seasonal Firework Sales outlets are required to be 2,500 feet from other existing Seasonal Firework Sales outlets, and 500 feet from any residential properties.

6. All Seasonal Firework Sales are required to be 300 feet from the property line of any motor vehicle fueling station, bulk plant, or bulk terminal for the following:

   a. Flammable or combustible liquid.
   b. Flammable gas.
   c. Flammable liquid gas.

7. Seasonal Firework Sales Stands are preferred to be on paved surfaces; however, unpaved surfaces may be approved if dry vegetation has been cleared under and around these Seasonal Firework Sales Outlets for a distance of thirty-five (35) feet.

8. Public safety, ingress, egress, and adequate parking will be factors considered by the fire department before approving any site for Firework sales.

9. Consumer Firework Retail Sales (CFRS) facilities shall be accessible to Fire Department apparatus by means of an approved fire apparatus access road constructed of asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

10. Portable fire extinguishers shall be on hand, as required by the currently adopted International Fire Code, in conspicuous locations where they will be readily accessible and immediately available for use.

11. Temporary buildings and tents shall meet the requirements of the currently adopted International Fire Code. Before a permit is granted, the owner shall provide proof to the fire code official that the building materials, floor coverings, tents, sidewalls, drops, and tarpaulins meet the flame performance test of the National Fire Protection Association (NFPA).

12. Smoking shall not be permitted within 100 feet of any seasonal firework stand. Approved "NO SMOKING" signs shall be conspicuously posted; and

SECTION ONE: All other sections of said of the Biloxi Code of Ordinances of the City of Biloxi, Mississippi, shall remain in full force and effect.

SECTION TWO: This ordinance shall become effective thirty days from and after its passage and publication with law, unless the vote is unanimous in which the Ordinance shall take effect immediately.

The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Lawrence, seconded by Councilmember Glavan, and was adopted by the following vote:

YEAS:	Lawrence Gines Newman Deming	Tisdale Glavan Barrett	NAYS:	None

Ord. No. 2476

The President then declared the Ordinance adopted, as amended, this the 22nd day of February, 2022.

ATTEST:

APPROVED:

STATE OF MISSISSIPPI
CITY OF BILOXI
HARRISON COUNTY

CLERK OF THE COUNCIL

PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 24th day of February, 2022.

APPROVED:

MAYOR

Planning Commission
Case Fact Sheet

Case No.:	20-050-PC
Names of Applicants:	City of Biloxi
Address of Property:	N/A
Tax Parcel/Ward:	N/A

Request:	**Text Amendment** to the **Code of Ordinances** to include Sections 13 and 23
Purpose of Request:	Amend–Sections **13-1-12-Fireworks** and **23-4-3(D)(8)(m) – *Seasonal Fireworks Sales***
Size of Property:	N/A
Present Zoning:	N/A
Present Use:	N/A
Most Nearly Bounded By (streets):	N/A
Adverse Influences:	N/A
Positive Influences:	N/A
Letters or Concerns stated:	The Planning Division Office has not received any letters or other written communications relative to this case, as of November 25, 2020.
Comments/ Recommendations:	The sections of text to be considered for change/modification are as follows: Amend-Section **13-1-12-Fireworks** (a) (i) The term "fireworks," as used in this section, shall

mean all those items which are now or may hereafter be classified as "common fireworks" by the Interstate Commerce Commission, are labeled by said commission with the Class C common fireworks label, and which contain a statutorily restricted amount of pyrotechnic composition and were designed to produce an audible effect or pyrotechnic display by combustion; their explosive composition cannot exceed two (2) grains in weight; by way of example they shall include such items as cone fountains, fire crackers, small Chinese crackers, skyrockets, bottle rockets, small non-explosive Roman candles and rockets, pyrotechnics commonly known as "snap pops," or other matter or substances similar thereto. For purposes of this section the term "fireworks" shall also include such 1.4G fireworks which comply with the construction, chemical composition and labeling regulations of the DOTn for Fireworks, UN 0336, and the U.S. Consumer Product Safety Commission as set forth in CPSC 16 CFR Parts 1500 and 1507, but does not include 1.3G fireworks, the sale of which is not permitted by this ordinance.
(ii) Excluded from the prohibition of this ordinance is the sale of toy pistols, toy canes, toy guns or other devices in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing and shipping of toy paper caps are used, and toy pistol paper caps manufactured as provided in this subsection, the sale and use of which shall be permitted at all times.

(b) Except as expressly authorized in section 23-4-2 of the Code of Ordinances as to the time and location of permitted firework sales, it shall be unlawful for any person to possess, store, handle, deal in, sell or offer for sale within the city any fireworks.

(c) ~~Except as expressly authorized in subsection (d) of this section,~~ ~~it~~ It shall be unlawful for any person to shoot, discharge, fire, explode or otherwise use any fireworks on or in any of the streets, sidewalks, alleys or other public places or elsewhere within the city except for the fourth day of July, December 31 after 6:00 p.m. through January 1, the first, second, and third day of Tet, only in conjunction with the Dragon Dance, which requires a permit from the Fire Department.

(d) It is unlawful to use fire or discharge any fireworks along the route of and during any parade or in any place of public assembly unless it is an event as described and authorized by permit. If the person in charge of or sponsoring any lawful public gathering, demonstration or celebration, desires to have a fireworks display at such gathering, demonstration or celebration, the mayor, with notification to the city council, may issue a permit authorizing the possession, and use of fireworks for such display, after first finding and determining that a reasonably competent person will be in charge of such display and that such display can be conducted at any such gathering, demonstration or celebration with reasonable safety.

(e) It is unlawful at any time to throw, toss or aim any fireworks at any person, animal, or vehicle, nor shall any persons throw the same from a motor vehicle.

(f) It is unlawful to explode any fireworks within three hundred (300) feet of any railroad depot or warehouse as described under Mississippi State Statute 97-37-27.

(g) It shall be unlawful to explode or ignite fireworks within one thousand (1,000) feet of any church or school (while in session or during a church or school sponsored event), hospital, asylum, or within one hundred fifty (150) feet of where fireworks are offered for sale,

And also, to modify the Land Development Ordinance (Section 23) as follows:

Amend – Section **23-4-3(D)(8)(m) – *Seasonal Fireworks Sales***, as follows:

Firework sales are allowed within an RB Regional Business zoning district as a Conditional Use and shall comply with the following standards:

1. Firework sales are seasonal sales only, within the times permitted by state law. No Fireworks shall be sold or offered for sale at retail within the City of Biloxi before the fifteenth day of June and after the ~~fifth~~ fourth day of July and before

the fifth day of December and after the ~~second~~ first day of January of each year. No Fireworks shall be sold to any person under the age of 16 years or any intoxicated person. All persons involved in the sale of Fireworks shall be at least ~~18~~ 21 years of age.

2. It shall be unlawful for any person to shoot, discharge, fire, explode or otherwise use any Fireworks upon any of the streets, sidewalks, alleys or other public places or elsewhere within the city. [re: City of Biloxi Code of Ordinances, Section 13-1-12(c)] . Exceptions include: the fourth day of July; and on December 31 after 6:00 p.m. through 1:00 a.m. on January 1: and also the first, second, and third day of Tet, only in conjunction with the Dragon Dance, which requires a special permit from the fire department.

3. A Conditional Use permit shall be required for each Seasonal Firework Sales operation, which Conditional Use permit will remain valid, unless modifications are made to the site, the temporary structure, or the location.

(a) All fireworks licensees must be over the age of twenty – one (21) and provide a certificate of liability insurance for three-hundred thousand dollars ($ 300,000.000) naming the city of Biloxi as an additional insured. This certificate shall be provided to the city prior to receiving a "sale of fireworks conditional use permit".

(b) No storage of any excess or unsold inventory will be allowed within the City of Biloxi after the expiration of the fireworks seasons. Violation of this section shall be grounds for immediate revocation of the fireworks permit. No on-site storage trailers or containers shall be allowed; all fireworks on-site shall be in the retail space.

4. Ownership and operation of the Conditional Use may not be transferred, subleased, sold or conveyed to any other individual, firm or entity. Any such change in ownership or operation will necessitate an application for a new Conditional Use permit.

5. All Seasonal Firework Sales outlets are required to be 2,500 feet from other existing Seasonal Firework Sales

outlets, and 500 feet from any residential properties.

6. All Seasonal Firework Sales are required to be 300 feet from the property line of any motor vehicle fueling station, bulk plant, or bulk terminal for the following:

a. Flammable or combustible liquid.
b. Flammable gas.
c. Flammable liquid gas.

7. Seasonal Firework Sales Stands are preferred to be on paved surfaces; however, unpaved surfaces may be approved if dry vegetation has been cleared under and around these Seasonal Firework Sales Outlets for a distance of thirty five (35) feet.

8. Public safety, ingress, egress, and adequate parking will be factors considered by the fire department before approving any site for Firework sales.

9. Consumer Firework Retail Sales (CFRS) facilities shall be accessible to Fire Department apparatus by means of an approved fire apparatus access road constructed of asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

10. Portable fire extinguishers shall be on hand, as required by the 2018 International Fire Code, in conspicuous locations where they will be readily accessible and immediately available for use.

11. Temporary and permanent tents and membrane structures shall meet the requirements of the International Fire Code, 2018. Before a permit is granted, the owner shall provide proof to the fire code official that the floor coverings, tents, membrane structure, sidewalls, drops, and tarpaulins meet the flame performance test of the National Fire Protection Association (NFPA).

12. Smoking shall not be permitted within 50 feet of any seasonal firework stand. Approved "NO SMOKING" signs shall be conspicuously posted.

Options:

1. Recommend approval of the Text Amendments to the City Code of Ordinances – specifically amending Section **13-1-12-Fireworks,** and Section **23-4-3(D)(8)(m) – *Seasonal Fireworks Sales***, as offered.

2. Recommend denial of the Text Amendments, as offered.

BILOXI PLANNING COMMISSION MEETING

DECEMBER 3, 2020

COMMUNITY DEVELOPMENT,

DR. MARTIN LUTHER KING JR. MUNICIPAL BUILDING,

676 DR. MARTIN LUTHER KING JR. BOULEVARD,

BILOXI, MISSISSIPPI,

BEGINNING AT 2:00 P.M.

PLANNING COMMISSION MEMBERS PRESENT:

Kyle Carron
Charlie Dellinger
Joann Humphries
Joe King
Gary Lechner
August Parker
Jimmy Poulos
John Snow
David Stanovich
Michael Todaro

ALSO PRESENT:

Tim Cipolla, Code Enforcement
Jerry Creel, Executive Director
Caryle Lena, Planning Technician
Ed Shambra, Executive Planner

REPORTED BY:

Melissa Burdine-Rodolfich
Simpson Burdine & Migues

C-O-N-T-E-N-T-S

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MR. WASHER:

Call this meeting to order. Present are myself, David Washer; Ed Shambra, executive planner; Jerry Creel, director of community development; Ms. Caryle Lena, planning technician; Tim Cipolla, code enforcement; Planning Commission members, and our court reporter today is Melissa Rodolfich.

We also recognize Dr. Paul Tisdale in the audience, Councilman Ward 5.

We'll ask Mr. Parker to please open the meeting with a moment of prayer.

(Moment of prayer.)

MR. WASHER:

Please stand for the pledge of allegiance.

(Pledge of Allegiance.)

MR. WASHER:

I'd like to welcome all of you here today. We would ask that you continue to wear your mask. If you have any comment on one of the cases called, please come to the podium when your case is called. You're welcome to take off your mask at that time and when you finish, replace it, please. We ask that you do give your name and

address for the record and if you would, please sign in at the podium.

And I didn't see Nathan Barrett, but I understand he's out there in the audience, Councilman Ward 7.

I'll ask if all members of the commission received the minutes of the last meeting?

Is there any additions or corrections?

(None indicated.)

MR. WASHER:

Motion to accept the minutes as presented?

MR. POULOS:

Motion.

MR. SNOW:

Second.

CHAIRMAN WASHER:

Motion by Mr. Poulos. Seconded by Mr. Snow.

All those in favor say aye.

(All in favor.)

MR. WASHER:

Opposed?

(None opposed.)

Mr. Creel, any committee records.

MR. CREEL:

Yes, sir. Chairman, Members of the Commission, over after the past two weeks, the department has issued 110 building permits with a construction valuation of $1.4 million. We've collected $9,300 in permit fees. We've issued 17 certificates of occupancy, and of those permits issued six were for single-family houses.

MR. WASHER:

Thank you. We have no continued public hearings.

Our first public hearing today is Case Number 20-047-PC BHL, LLC, owner, and Dennis Steiffel, applicant. The application is for a conditional use to authorize the construction of 174 apartments upon a site approximately 19 acres in overall size, more or less, for a property site situated within an NB, Neighborhood Business, zoning district and identified as 25 lots to eventually become two separate parcels for properties presently identified as Lots 3-B, 5 through 26, and Lots 29 and 30, contained within a Replat of a Replat of Lot 3-B of a Replat of Lot 3 of Ellzey Place Subdivision located along Ellzey Drive. Number of tax parcels, I'm not going to

read. They're on the board in the back of the room. This was advertised on November 19th, November 25th.

Mr. Cipolla, do you have video on that, please, sir?

MR. CIPOLLA:

I have it in three phases, so bear with me. The bank is to the left of us. On this side is Arbor Property. This is Walmart. Of course, Popps Ferry Road is up here. That is the bank. And on here on down through. And I will go to the next part.

Down the circle, that is still the Arbor property, which is on the left side. That's looking back towards the water down here, which includes all this here, up and over.

That is the circle. I was approximately up here, by the bank. Everything down here, all the way down and back around, not including this at this time.

MR. CARRON:

Tim, does it go through the tree line?

MR. CIPOLLA:

And I do not know exactly how far it goes.

I'm looking back to the east, which would be up Medical Park Drive. And you have the Santa Maria down here, which I'll go down to and film coming backwards, which should be able to explain better when you get to that area. Like I said, that's looking down towards the water and you have water on this side.

And now I'm up by the Santa Maria looking back down through. I was down here videoing that way just showing where the entrance is. The four corners of Tommy Munro and Medical Park Drive down here.

MR. WASHER:

Thank you.

Mr. Steiffel, welcome.

MR. STEIFFEL:

Good afternoon. My name is Dennis Steiffel. I'm here on behalf of Gordon Thames, the developer of Arbor Properties.

We're pushing forward with trying to expand the existing Arbor Landing apartment complexes. It's very high-end apartments, and they stay full.

(Ms. Humphries joins the meeting.)

MR. STEIFFEL:

There's a waiting list on a regular basis and so he's trying to meet a demand and a need in the area.

I've got a layout here. We're well into the engineering of the project. The layout is such that we have had to collapse -- you know, the commercial subdivision that Jimmy Lane did had laid out lots for commercial development. And we had to collapse not only Lot 9, which has already been done, but we also had to vacate easements, drainage easement.

The pump station, we've managed to coordinate all this with Mr. Wheeler's help here and we've got the project set up where it's ready to be finalized in the design phase. The pump station, there's an existing pump station that we actually constructed for the original apartment community. We designed that pump station to accept all the sewer from Jimmy Lane's subdivision there, and so nothing really changes.

Just because we're going to put multifamily there, the sewer pump station and the existing infrastructure that Mr. Lane put in his commercial subdivision will all continue to go the direction it's going now. There will be no

MR. TODARO:

David, it's my understanding that the basic change of a zone is when there is a mistake in the original zoning or there is a change in the character of the neighborhood. There's no argument that in the past 20 years -- look what's happening in Woolmarket. I mean, we've got all those subdivisions that have developed. We've got retail businesses. We've got people who are eager to move out there and live.

The change in the character of the neighborhood has become from agricultural, which unfortunately when a lot of you families bought your home, it was agriculture. Everything has changed.

And whenever they bring back the plat and make a decision, it's got to be based on the fact, has the zoning been changed to meet the current change and the character of the neighborhood? In my mind, this is a clear example how the entire area has changed in 20 years. Well, originally it was all rural and agriculture. Now the subdivisions and everything are here.

I'm going to be eager to see if this is approved what kind of plat or what kind of

presentation there's going to be for this subdivision. Like Jerry said, once they go through all the topographical and your engineer studies, then we can look at potential problems and draining and stuff like that. But in my mind, there has been a change in the character of the neighborhood in the past 20 years.

MR. WASHER:

I think coupled with that, in the era of annexation to the City of Biloxi, a lot of that area just came in as agricultural not knowing what the future needs would be.

MR. TODARO:

I wouldn't be surprised if the next Walmart on the Coast is somewhere in Woolmarket. I mean, that's how much it's grown.

UNIDENTIFIED SPEAKER:

Don't give them any ideas.

MR. TODARO:

I mean, I'm just guessing.

MR. WASHER:

Any other comments from the members of the commission?

(None indicated.)

MR. WASHER:

We've got a motion and second on the floor to recommend approval. I'll ask that all those in favor, raise your hand, please.

Mr. Todaro, Mr. Parker, Mr. King, Mr. Stanovich, Mr. Carron, Mr. Dellinger, Mr. Lechner, Ms. Humphries, Mr. Snow, Mr. Poulos, myself, David Washer. We'll let the record show that's a unanimous.

Feel free to leave. If you would, quietly, we're going to continue.

Our next case, 20-050-PC, a charge from the Biloxi City Council to consider proposed text amendments to the Code of Ordinances to address proposed modification of text related to Section 13-1-12, fireworks, and 23-4-3(D)(8)(m), seasonal fireworks sales.

You want to address this, Mr. Shambra?

MR. SHAMBRA:

Okay. You have your handout we gave you that basically shows the breakdown of what we're trying to accomplish here with this text amendment. We're amending Sections 13-1-12, fireworks, which is under the regular building code, Biloxi Code of Ordinances, and also 23-4-3(D)(8)(m), which is the seasonal fireworks

sales, which is directly located within the land development ordinance.

This is basically a lot of housekeeping things that are happening. And if you look in the areas marked in yellow where the significant changes are taking place, we're doing things like clarifying the dates that the sales can take place 4th of July, December 31st after 6:00 p.m. through January 1st, and the first, second and third day of Tet only in conjunction with the Dragon Dance.

This is just giving clarification that it's unlawful to use fire or discharge fireworks along the route of a parade or any public event. It is unlawful at any time to throw, toss, aim fireworks at any person, animal or vehicle. It is unlawful to explode any fireworks within 300 feet of the railroad depot. That's under state statute. It's unlawful to explode or ignite fireworks within 1,000 feet of any church or school while in session.

Those are the types of housekeeping chores we want to make sure are included in this section.

Then we also, again, under the seasonal fireworks sales, we, again, clarify some dates.

No fireworks should be sold to anyone under the age of 16 years or any intoxicated person. And that fireworks sales should -- any person involved in the sale has to be at least 21 years of age.

Exceptions for the dates, again, that's July 4th, December and so forth. All fireworks licenses must cover the age of 21 and provide liability insurance for $300,000, naming the city as the additional insured. So we're putting a requirement there for having insurance.

No storage or access to unsold inventory of fireworks allowed within the City of Biloxi after the expiration of any fireworks seasons. So we're not allowed to keep storage of those fireworks outside of the time frame that they're allowed to sell.

Portable fire extinguishers shall be on hand, as required by the 2018 International Fire Codes in conspicuous locations. This is adding some language already that's in our code, but it's basically not addressed with the fire department. We're bringing that together.

Temporary and permanent tents, membrane structures shall meet the requirements of the International Fire Code of 2018. And, again, it's

specifically addressed there.

Smoking shall not be permitted within 50 feet of any seasonal fireworks stand. And request they put "no smoking" signs in a conspicuous place.

These are primary changes. It's basically housekeeping, but I think it's important to have legitimate fireworks sales.

MR. WASHER:

Any questions on those changes?

MR. DELLINGER:

How are you planning on selling any fireworks if you can't sell them to intoxicated people?

MR. WASHER:

So basically on Number 2, Page 4, we're coming back to legalizing the firing of fireworks in the city during the pertinent time, whereas right now, it's illegal to shoot in the City of Biloxi?

MR. SHAMBRA:

That's correct.

MR. WASHER:

No questions?

MS. HUMPHRIES:

What about the people across the street that shoot --

MR. CREEL:

That's one of the prohibitions in here. It limits where you can shoot them and what you can shoot them with.

MR. WASHER:

The Chair will entertain a motion.

MR. LECHNER:

Make a motion to approve.

MR. WASHER:

Motion to approve by Mr. Lechner.

MR. DELLINGER:

Second.

MR. WASHER:

Seconded by Mr. Dellinger.

If there's no discussion, we'll ask that all those in favor of approval of the changes, housekeeping cleanup, raise your hand, please.

Mr. Todaro, Mr. Parker, Mr. King, Mr. Stanovich, Mr. Carron, Mr. Dellinger, Mr. Lechner, Ms. Humphries, Mr. Snow, Mr. Poulos, myself, David Washer. We'll let the record show that's unanimous.

No tree hearings today.

City Council action?

MR. SHAMBRA:

City Council action, Case Number 20-041-PC, this is the request for the vacation of the right-of-way of an unimproved section of Croesus Street situated as in 211 and 259 Magnolia Street. City Council approved this vacation request on December 1st.

20-042, this is a conditional use to allow for a single-family residence to be utilized for short-term rentals. This is for the property identified as 141 Briarfield Avenue. This was approved by the Council on December 1st.

Case Number 20-043, the conditional use to authorize a tattoo establishment within an NB zone for a project identified as 2337 Pass Road, Suite C. This was approved by the Council on December 1st.

Case Number 20-052, a minor subdivision plat for property identified as 13594 Schonewitz Road. This involved .82 of an acre. This that was approved by the Council on December 1st.

And finally, 20-053, this is the minor subdivision final plat for property identified as 2024 Brasher Road, and that was approved by the