

(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 this 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 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.

(d) 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.

Sec. 23-4-3(D)(8)(m) Seasonal Firework Sales

Firework sales are allowed within an RB Regional Business zoning 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 day of July and before the fifth day of December and after the second day of January of each year. No fireworks shall be sold to any person under the age of 16 years. 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: City of Biloxi Code of Ordinances, Section 13-1-12(c)].
3. A Conditional Use shall be required for each Seasonal Fireworks Sales operation, which Conditional Use will remain valid, unless modifications are made to the site, the temporary structure, or the location.
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 Fireworks Sales outlets are required to be 2,500 feet from other existing Seasonal Fireworks Sales outlets, and 500 feet from any residential properties.
6. All Seasonal Fireworks Sales are required to be 300 feet from the property line of any motor vehicle fueling station, bulk plant, or bulk terminal for:
 - a. Flammable or combustible liquid.
 - b. Flammable gas.
 - c. Flammable liquid gas.
7. Seasonal Fireworks 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 Fireworks Sales Outlets for a distance of 35 feet.
8. Public safety, ingress, egress, and adequate parking will be factors considered by the fire department before approving any site for fireworks sales.
9. Consumer Fireworks 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.