

Parks, Recreation and Cemetery

PART 11

PARKS, RECREATION AND CEMETERY

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CHAPTER 1

PARKS AND RECREATION

GENERAL PROVISIONS

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SECTION 11-101 BOARD OF TRUSTEES TO MAKE RULES.

The board of trustees shall promulgate, invoke, create, amend and enforce such rules, regulations, and other requirements as it deems necessary or expedient in connection with the use of all recreational and park facilities owned or operated by the town, and also including the use of Town Hall.

SECTION 11-102 FEES TO BE DETERMINED.

The town shall set by motion or resolution the fees charged for any such park or recreational privileges on any property or facility owned or operated by the town.

SECTION 11-103 PENALTY.

It is unlawful for any person to use any of the park or recreational facilities without having complied with the rules and regulations promulgated by the board of trustees in connection therewith. Anyone violating any of the rules and regulations, or failing to comply with such, shall be guilty of an offense, and on conviction thereof, shall be punished as provided in Section 1-108 of this code.

CHAPTER 2

CEMETERY

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SECTION 11-201 DESIGNATION OF CEMETERY.

A. The Resthaven Cemetery is hereby designated as a town cemetery, consisting of a tract of land in the Southeast Quarter of the Southwest Quarter of Section Ten (10), Township twenty-one (21) North, Range Twelve (12) East, Osage County, Oklahoma, and more particularly described as follows: Beginning at the Southeast Corner of the Southwest Quarter (SW/4), thence a distance of one thousand three hundred and twenty (1,320) feet to the Northeast Corner of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4), of Section Ten (10), Township twenty-one (21) North, Range Twelve (12) East, thence West along the North line of the Southeast Quarter (SE/4) a distance of eight hundred and seventy-one (871) feet to a point, thence South and parallel to the East line of the Southwest Quarter (SW/4) a distance of one thousand three hundred and twenty (1,320) feet to a point, thence East and along the South line of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4), a distance of eight hundred and seventy-one (871) feet to the Southeast Corner of the Southwest Quarter (SW/4) which is the point and place of beginning, containing approximately 26.39 acres;

AND

Lot 4 (SW/4 SE/4) of Section 10, Township 21 North, Range 12 East of the Indian Meridian, Osage County, Oklahoma.

These tracts and any other tract of land designated for town cemetery purposes by the Board of Trustees of the Town of Sperry, Oklahoma shall comprise Resthaven Cemetery.

SECTION 11-202 CONDITIONS OF LOT PURCHASES.

All lots shall be sold subject to the rules and regulations of this chapter, or those adopted by the board of trustees. The deed of title for cemetery lots shall state that the sales are subject to these conditions. No lot shall be used for any purpose than the burial of human remains and the placing of appropriate monuments and memorials. When interment is to be made, a permit must be obtained from the town clerk-treasurer and signed by one of the heirs of the decedent. The town may impose specific charges against lots. No mortgage or other encumbrance shall be given or attached to any lot.

SECTION 11-203 PURCHASE OF LOTS.

When a lot is paid for in full, a deed of title, for cemetery purposes only, shall be issued to the purchase by the town clerk-treasurer. This section does not apply to indigent interment cases.

SECTION 11-204 TRANSFER OF LOTS.

The transfer of lots or parts of lots to another person shall be reported to the town clerk-treasurer for recording. No person shall be recognized as owner or part owner unless so recorded. All transfers of parts of lots less than that conveyed from the town to the lot owners must be approved by the town clerk-treasurer.

SECTION 11-205 RATES FOR BURIAL LOTS.

The rate charged for each burial lot in a town cemetery shall be as set by the town board of trustees.

SECTION 11-206 RATES FOR INTERMENT, DISINTERMENTS.

A. The rate charged for interment in the cemetery shall be as set by the board of trustees by motion or resolution, per grave. However, this charge shall not include removal or replacement of shrubbery, walkways, curbing, flowers, decorative gravel or stone, or permanent stone grave memorials weighing in excess of twenty-five (25) pounds. The rate shall apply only for interments which are started and completed between the hours of 7:00 a.m. and 5:00 p.m. on the same day.

B. The rate charged for interment in the cemetery which requires grave opening and closing on either a Saturday or Sunday shall be as set by the board of trustees by motion or resolution.

C. The rate charged for disinterment of a grave in the town cemetery shall be as set by the board of trustees by motion or resolution.

SECTION 11-207 INTERMENTS AND DISINTERMENTS.

All interments and disinterments done in the cemetery shall be performed pursuant to any applicable rules of the board of cemetery trustees.

SECTION 11-208 GRAVE EXCAVATIONS NOT TO BE LEFT OPEN OVERNIGHT.

No excavations of grave sites shall be left open overnight. All graves opened shall be filled on the date same are opened.

SECTION 11-209 RULES AND REGULATIONS.

The board of cemetery trustees shall have the power to develop rules and regulations to govern operation of the cemetery, subject to approval by the town board of trustees.

SECTION 11-210 BOARD OF CEMETERY TRUSTEES.

There is hereby created a board of cemetery trustees consisting of three (3) members appointed by the town board of trustees. The term of each member shall be six (6) years. Meetings of the board shall be held at least every two (2) months and a quorum of two (2) shall be necessary for the transaction of business.

SECTION 11-211 PROPERTY DAMAGE, FINANCIAL RESPONSIBILITY.

The town shall not be responsible for any damage to lots, structure or objects thereon, or for flowers or articles removed from any lot or grave.

SECTION 11-212 TRAFFIC REGULATIONS.

All traffic laws of the town that are applicable to the operation of vehicles shall also apply in the cemetery. Persons driving in the cemetery shall be responsible for any damage done by their vehicle or animal or both in the driver's charge. In addition, no person shall:

1. Drive a vehicle in excess of fifteen (15) miles per hour on any cemetery road;
2. Drive off the established roads unless permission is given in writing by the superintendent of the cemetery;
3. Use a cemetery road as a public thoroughfare.

SECTION 11-213 SUPERVISION OF LOT PLANTINGS AND IMPROVEMENTS.

All plantings and other improvements to lots shall be done with the approval of the cemetery board of trustees, or in accordance with written policies adopted by the cemetery board of trustees.

SECTION 11-214 LOT CARE.

The following rules shall be observed in the care of cemetery lots:

1. Copings, fences, structures of wood, and hedges are prohibited;
2. Those structures or enclosures established on any lot previous to the adoption of these regulations which have in the judgment of the cemetery management become unsightly by reason of neglect or age shall be removed;
3. No elevated mounds shall be built over graves, and no lot shall be filled above the grade established by the town;
4. Receptacles for cut flowers shall be installed flush with the surface of the lawn;
5. Chairs, settees, benches and vases shall be permitted only if properly installed and maintained according to the rules and policies enacted by the Cemetery Board of Trustees. Failure to properly install and maintain shall be cause for removal.
6. Rubbish, refuse and unused containers shall not be left on lots.

SECTION 11-215 CONDITIONS BEFORE INTERMENT.

No interment shall take place without a burial permit, nor until all laws, ordinances, rules and regulations relative to burials have been complied with. No grave shall be opened unless the grave space has been paid for, with the exception of indigent cases, or when the funeral director assumes responsibility of payment for such grave space or spaces. Funeral directors making arrangements for burials shall be responsible for all interment charges if not paid by the owner or agent. If the deceased to be interred is not a member of the immediate family of the lot owner, permission in writing from such owner must be filed with the superintendent of the cemetery. This permission must be filed before the interment is made.

SECTION 11-216 PREPARATION OF GRAVES.

Only one interment in any one grave shall be permitted. The superintendent of the cemetery shall not be held responsible for errors in location of graves on lots arising from improper instruction of lot owners or the family of the decedent. Orders from funeral

directors shall be construed as orders from owners. Under no circumstances shall the town assume responsibility for error in opening graves when orders are given by telephone.

SECTION 11-217 DISINTERMENT AND REMOVAL.

Disinterment and removal of a body shall not be made without the permission of the superintendent of the cemetery, the lot owner or his heirs, or as allowed by state law. Graves shall not be opened for inspection except for official investigation.

CHAPTER 3

PARADES AND PUBLIC ASSEMBLIES

SECTION 11-301 PARADES AND PUBLIC ASSEMBLIES.

A. As used in this section, "parade" means any parade, march, ceremony, show, demonstration, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the town.

B. No person shall use any street, alley, public way, park or other property owned or controlled by the town, except those places specifically designed and intended for such use, for the purpose of holding, conducting, causing or participating in any parade, street fair, street dance, carnival, assemblage or activity of any nature which may cause the disturbance or interference of the normal and ordinary use of the property by other persons, without first having obtained a permit for such purpose. The permits may be granted by the town clerk-treasurer under such conditions as deemed appropriate.

C. Permits shall not be required under this section in the case of construction or repairs to or within any such street or property, provided all other requirements of this code are complied with.

D. Not less than two (2) weeks prior to the closing or use of a street or property for a parade, an application shall be submitted by the party to the town. The time requirements may be waived by the Town Administrator or Town clerk-treasurer at their discretion if sufficient time exists for the proper review of the application as herein provided. The application shall be submitted upon a form prescribed by the town. The application shall provide such other information as requested.

E. The town clerk-treasurer shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

1. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

2. The conduct of the parade will not require the diversion of so great a number of police officers of the town to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town;

3. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the town other than that to be occupied by the proposed line of march and areas contiguous thereto;

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4. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

5. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

6. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance; and

7. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

F. The town administrator or town clerk-treasurer, in such cases as shall be determined in their discretion, may require as a condition to the issuance of a permit herein such insurance or bond holding the town harmless from any and all liability for injury or damage of any kind whatsoever occurring during such activity covered by the permit, in an amount of coverage not less than the limits of the Oklahoma Governmental Tort Claims Act, naming the Town as an additional insured under the policy.

G. Without regard to the above provision of this division, the town clerk-treasurer, from his or her consideration of available, appropriate and necessary information, shall deny the application for a permit provided for by this chapter when, from this information, he or she has reason to believe that any contemplated advocacy at the proposed event will be directed to inciting or producing imminent lawless action and will likely incite or produce such action.

H. The Town Administrator or Town clerk-treasurer, in denying an application for a parade permit, may authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall so indicate within five (5) days after notice of the action of the Town Administrator or town clerk-treasurer. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this section.

CHAPTER 4

SPECIAL EVENTS

Section 11-401	Purpose.
Section 11-402	Definitions.
Section 11-403	Application Requirements.
Section 11-404	Permit Approval Process.
Section 11-405	Permit Revocation After Issuance.
Section 11-406	Enforcement/Penalties for Violation of Ordinance.

SECTION 11-401 PURPOSE.

The purpose of the following code sections (11-402 through 11-406) is to codify the process for application, review and permit approval for Special Events (as hereafter defined), to be held in the Town of Sperry, Oklahoma.

SECTION 11-402 DEFINITIONS.

1. “Applicant” shall be defined to mean the person, group, organization or entity that makes application for a Special Event permit and, if a permit is granted, whose name shall appear on the permit issued pursuant to this ordinance, and the responsible party for all Special Event activity approved by the issuance of the permit.

2. “Special Event” shall be defined to mean any organized gathering of people for any purpose for a stated or limited period of time which is sponsored or held by a person or persons, a for-profit or non-profit corporation, group, organization, or other entity, whether or not the public at large is invited or encouraged to attend, and at which time any two or more of the following shall apply:

a. The expenditure or use of Town personnel, services or resources is contemplated by the Applicant or is deemed necessary by the Town Administrator to maintain public health, safety and welfare;

b. The event requires the use of any Town facility, property or the use of any public street, alley or right-of-way;

c. The event will have or is expected to have a substantial visual, noise or other impact upon the immediate vicinity or surrounding area of the event.

SECTION 11-403 APPLICATION REQUIREMENTS.

1. The Applicant for a Special Event permit shall submit an application to the Town Clerk of the Town of Sperry, on application forms provided by the Town, not less

than sixty (60) days prior to the proposed Special Event. The application form shall, at a minimum, request the following information which shall be provided by the Applicant:

- a. Dates, location, and hours of the Special Event;
- b. Detail and schedule of activities;
- c. Scope of requested and required public services, including trash management, security, restroom facilities and provision for clean-up of all public places and areas;
- d. Whether the public at large is invited;
- e. The identity and location of any vendors which will be at the Special Event;
- f. Whether any public streets, alleys or rights-of-way are requested to be closed or utilized;
- g. Proof of general or special event liability insurance in an amount of not less than the limits of liability of the Governmental Tort Claims Act and naming the Town of Sperry as an additional insured.

2. The Application and/or Permit fee shall be set by motion or resolution of the Board of Trustees of the Town of Sperry, Oklahoma.

SECTION 11-404 PERMIT APPROVAL PROCESS.

The Town Administrator, Mayor, or other designee as specified by the Town Board of Trustees shall review the completed application for a Special Event Permit and make a recommendation for approval or denial of the permit and shall submit the application to the Board of Trustees for approval or denial of the permit. Upon approval by the Board of Trustees, the Town Clerk shall issue a permit. The Town Clerk shall keep a record of all Special Event Permits issued pursuant to the provisions of this ordinance and all permit fees collected.

SECTION 11-405 PERMIT REVOCATION AFTER ISSUANCE.

1. Upon recommendation of the Town Administrator or Mayor, a permit issued under this ordinance may be revoked after public hearing for the below-listed reasons:

- a. Fraud, misrepresentation or false statement contained in the application for Special Event Permit;

- b. Any violation of this ordinance or any other ordinance or regulation of the Town of Sperry or any violation of state or federal law;
- c. Applicant demonstrates an inability or unwillingness to conduct the Special Event in accordance with the terms and conditions of this ordinance or any other applicable ordinance or regulation of the Town of Sperry, Oklahoma, or applicable state or federal law or regulation.

2. Written notice of hearing for revocation of a permit before the Board of Trustees shall be given to the Applicant, setting forth the grounds for the proposed revocation of the Special Event Permit. Such notice shall be delivered personally or may be mailed, postage prepaid, to the Applicant/Permittee at his/her/its address as set forth on the application, at least five (5) days prior to the date set for the hearing. The decision of the Board of Trustees shall be final.

SECTION 11-406 ENFORCEMENT/PENALTIES FOR VIOLATION OF
ORDINANCE.

1. The provisions of this Ordinance may be enforced by the Town Administrator, the Police Department or other person so designated by the Town Board of Trustees. The Town of Sperry may take any action necessary to ensure compliance with this ordinance, including, but not limited to, injunctive or other court-ordered relief.

2. Any person convicted for violating this Ordinance or who pleads guilty or no contest shall result in a fine not to exceed Three Hundred Dollars (\$300.00). The Court, in its discretion, may also impose the performance of community service in an amount to be determined by the Court.

CHAPTER 5

FIREWORKS

Section 11-501	Definitions.
Section 11-502	Storage of Fireworks.
Section 11-503	Sale of Fireworks.
Section 11-504	License, Fees and Insurance.
Section 11-505	Discharge of Fireworks Prohibited.
Section 11-506	Misdemeanor, Penalty.

SECTION 11-501 DEFINITIONS

A. As used in Sections 11-502 through Section 11-506, the following terms shall have the meanings specified below:

1. The term "Fireworks" shall mean and include any composition or device for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and which is defined as common or special fireworks by the United States Department of Transportation (DOT). Fireworks are further classified in this law as class C or class B. The term "Fireworks" shall not include toy cap pistols and caps, blank cartridges, railroad flares and model rockets.

2. Class C fireworks (DOT common fireworks) shall mean any devices suitable for use by the public that conform with the requirements of the United States Consumer Products Safety Commission and are designed primarily to produce visible effects by combustion, and some small devices designed to produce an audible effect.

3. Class B display fireworks (DOT special fireworks) mean all articles of larger fireworks designed primarily to produce visible or audible effects by combustion or explosion. Class B fireworks include, but are not limited to, firecrackers and salutes containing more than two grains (130mg) of explosive composition and other exhibition display items that exceed the limits for classification as Class C fireworks according to the Department of Transportation.

4. The term "manufacturer" shall mean any person engaged in the making or construction of fireworks.

5. The term "distributor" shall mean any person who sells fireworks to other distributors, wholesalers or retailers for resale.

6. The term "wholesaler" shall mean any person who purchases fireworks for resale only to retailers and consumers.

7. The term "retailer" shall mean any person who purchases fireworks for resale to consumers only.

8. The term "person" shall include any corporation, association, partnership or one or more individuals.

9. The term "Town" shall mean the Town of Sperry, Oklahoma.

SECTION 11-502 STORAGE OF FIREWORKS.

Class "C" Common Fireworks may be legally stored and sold in the Town with the exception and conditions specified under the provisions of the Sperry Town Code. No other type of fireworks may be possessed, stored or used within the Town, unless specifically authorized in the Sperry Town Code.

SECTION 10-503 SALE OF FIREWORKS.

A. The sale or offering for sale, purchase or giving away of fireworks of every description or explosive devices similar to fireworks is hereby prohibited within the Town except as provided herein, to-wit:

1. The retail sale of Class C fireworks shall be permitted only in those portions of the Town which have been zoned Agricultural, Commercial or Industrial. Sales elsewhere are prohibited.

2. The sale of said fireworks shall be made only from a free-standing structure which in all cases shall be located no less than fifty (50) feet from any permanent structure and twenty-five (25) feet from any roadway. Said structure shall be rigid structure, the sale of fireworks from tents and/or non-rigid structures being expressly forbidden.

3. A sales clerk over 16 years of age must be on duty to serve the consumer at the time of purchase. All fireworks offered for retail sale must be protected from direct contact and handling by the public at all times. Entry within that structure from which sales are made shall be forbidden to the public.

4. The retail license holder, as set out below shall be at least eighteen (18) years of age.

5. All fireworks storage and sales areas shall be conspicuously posted with signs reading 'FIREWORKS-NO SMOKING'.

6. Fireworks offered for retail sale must be protected from direct contact and handling by the public at all times. Self-serve or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited. Mail-order sales to consumers are prohibited through any

medium of either interstate or intrastate commerce. Sales of fireworks may only be made at properly licensed retail locations within the Town of Sperry. A sales clerk must be on duty to serve the consumer at the time of purchase.

7. Fireworks shall not be sold or displayed to the public within any building or portion thereof or within any vehicle that allows entry by any person other than employees within such building or vehicle unless the fireworks are kept where they cannot be reached or handled by those persons. An enclosed building used for sale of fireworks to the public shall have adequate exits as determined by the Fire Chief. The use of tents or like structures for the sale or storage of fireworks where the public may move about under or within the confines of a shelter is prohibited.

8. The retail license holder shall be responsible for the safe operation of retail sales to the public. The retail license holder shall be at least eighteen (18) years of age. No person shall offer fireworks for sale to residents of the Town of Sperry at retail before the 15th day of June or after the 5 of July.

9. The sale, gift, distribution or use of skyrockets with sticks as defined by the United States Department of Transportation is hereby prohibited within the Town of Sperry. This prohibition shall include, but not be limited to, explosive devices commonly known as "bottle rockets" or "stick rockets".

10. Any and all items of Class "C" Common Fireworks not properly labeled according to the United States Consumer Product Safety Commission and identified with the "DOT" Class "C" Common Fireworks marking each retail sale unit is prohibited under the provisions of this Ordinance.

SECTION 11-504 LICENSE, FEES AND INSURANCE.

The following license fees shall be due and payable on or before May 1st of each year:

1. Any person operating a retail location where fireworks are sold shall be required to purchase a retail fireworks license. The retail license fee shall be \$100.00 annually and must be purchased from the Town Clerk prior to May 1 of that year, after approval of the proposed location by the Fire Chief. Upon application for the license, the applicant shall provide the Town Clerk and Fire Chief with the location of the retail outlet, proof of age of applicant, and evidence of all licenses and permits required under state law, including a valid Oklahoma Sales Tax Permit issued by the Oklahoma Tax Commission. In addition to the license and permits, the applicant will show proof of a Liability Insurance Policy in an amount no less than \$500,000.00. The Fire Chief shall refuse to approve any proposed location if, using accepted standards, he determines the location because of its proximity to other activities or structures would create a significant risk or harm to persons or property.

SECTION 11-505 DISCHARGE OF FIREWORKS PROHIBITED.

The discharge, firing or use of firecrackers, rockets, torpedoes, roman candles, or other fireworks or substances designed and intended for pyrotechnic display and of pistols, canes, cannons, or other appliances, using blank cartridges or caps containing chlorate of potash mixture, is hereby prohibited: provided, that the Board of Trustees may by order or resolution authorize display and discharge of fireworks, including Class B fireworks, by properly qualified individuals or organizations when such display is deemed for the enjoyment of the populace at large and is conducted and located in such a manner and under circumstances that the Board is satisfied that the discharge or firing thereof will not be hazardous to surrounding property or endanger any person or persons.

SECTION 11-506 MISDEMEANOR, PENALTY

Violation of this Ordinance shall be an offense and shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00). With respect to the discharge of fireworks, each discharge shall be deemed a separate offense.