

ORDINANCE NO. 88-30A
CITY OF WOODCREEK

AN ORDINANCE AMENDING 88-30 PROHIBITING THE SALE, DISTRIBUTION, DETONATION, DISCHARGING OR FIRING OF FIREWORKS WITHIN THE CITY LIMITS OF WOODCREEK; ESTABLISHING PROCEDURES TO OBTAIN A VARIANCE FOR PUBLIC DISPLAYS; PROVIDE A PENALTY FOR VIOLATIONS NOT TO EXCEED *TWO THOUSAND (\$2,000) DOLLARS FOR EACH VIOLATION*, CONTAINING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS: The City of Woodcreek determines that the igniting, detonation or firing of fireworks is a threat to the general welfare and safety of the citizens of the City.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOODCREEK, TEXAS:

SECTION 1.0 TITLE

This Ordinance shall be known as the Fireworks Ordinance of the City of Woodcreek.

SECTION 2.0 PURPOSE

To protect the general welfare and safety of the citizens of the City of Woodcreek.

SECTION 3.0 DEFINITIONS

For the purpose of this Ordinance, the following words shall have the meaning given in this section.

- 3.1 Fireworks. Shall mean and include any firecrackers, cannon crackers, sky rockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by an designated name intended for use in obtaining visible or audible pyrotechnic display, and such term shall include all articles or substances within the commonly accepted meaning of

fireworks, whether herein specially designated and defined or not.

3.2 Person. Shall mean and include any natural person, association of persons, partnership, corporation, agent or officer of a corporation.

SECTION 4.0 GENERAL PROVISIONS

The City Marshal and Fire Marshal are granted the authority and are responsible to enforce the following provisions of this Ordinance.

- 4.1 The sale and/or distribution of fireworks within the corporate limits of the City is prohibited.
- 4.2 It shall be unlawful for any person to ignite, detonate, discharge or fire any fireworks of any description within the City of Woodcreek.
- 4.3 A sworn complaint may be filed in the Municipal Court of the City of Woodcreek charging that sale, distribution, igniting, detonating, discharging or firing of fireworks has taken place; specifying the time, date, location and persons charged, provided, however, that this subsection shall not be construed as requiring such a complaint in order to enforce this Ordinance.
- 4.4 A public display of fireworks may be authorized by the Fire Marshal when any adult person, firm, corporation or association has made a written application at least forty-eight hours in advance of the date of the proposed display. It shall be the duty of the Fire Marshal to make an investigation as to whether the proposed display may be hazardous to property or dangerous to any persons and shall grant or deny the application based upon his findings.

SECTION 5.0 PENALTIES FOR VIOLATIONS

Any person, firm or corporation who violates any provisions of this Ordinance, or any order made under authority of this Ordinance, or who

causes or permits any such violation of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not to exceed *two thousand (\$2,000) dollars. Each day any violation of this Ordinance shall continue shall constitute a separate offense.*

SECTION 6.0 SEVERABILITY CLAUSE

If any part of this Ordinance shall be judged invalid or held unconstitutional, the same shall not effect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 7.0 EFFECTIVE DATE

This Ordinance shall become effective upon passage and approval of the Council of the City of Woodcreek, Texas.

Passed and approved this 12th day of April, 1995.

JEANNINE C. POOL, MAYOR

ATTEST:

SHIRLEY BYRUM, CITY SECRETARY

ORIGINAL ORDINANCE NO. 88-30 PASSED AND APPROVED OCTOBER 19, 1988.