

ORDINANCE NO. 97-7

AN ORDINANCE PROHIBITING FIREWORKS; PROVIDING DEFINITIONS; PROVIDING EXCEPTIONS; DECLARING A PENALTY AND A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Nevada, Texas, ("City Council") is of the opinion that it is a safety hazard for any person to manufacture, assemble, store, transport, receive, possess, keep, expose for sell, sell at retail or have in his possession with the intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description within the city limits of the City of Nevada, Texas ("Nevada") except as provided herein; and

WHEREAS, the City Council of Nevada finds that it is in the public health and safety of Nevada to regulate fireworks within Nevada:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS:

SECTION 1. Definitions. The term "fireworks" means any substance intended for use in visual or audible pyrotechnic display, and is illustrated by, but not limited to, the following:

- 1) Firecrackers
- 2) Sky Rockets
- 3) Roman Candles
- 4) Sparklers and Torpedoes

SECTION 2. Fireworks Prohibited. It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description.

SECTION 3. Exceptions. This ordinance shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroad or other transportation agency for signaling or for purposes of illumination, nor shall anything in this ordinance apply to flares or rockets as used by military, police, or public service agencies or for signal or ceremonial purposes in athletics or sports.

SECTION 4. Fireworks Displays. The City Council, or its duly appointed agent, is authorized to adopt rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair association, amusement park, other

organizations, or for the use of fireworks by artisans in the pursuit of their trade. Each display shall be handled by a competent operator approved by the City Council, or its duly appointed agent, and the display shall be located, discharged, or fired so as to not be hazardous to life or property. Applications for such permits shall be made in writing at least ten (10) days in advance of the display to the City Council, or its duly appointed agent, and shall be accompanied by an application fee of ~~\$15.00~~ and a financial bond in an amount sufficient to protect the permittee from damages to person or property arising from the public display. Any fireworks that are not fired shall be disposed of in a safe manner.

SECTION 5. Fireworks Declared a Public Nuisance. The presence or use of any fireworks within the jurisdiction of Nevada in violation of this Ordinance is hereby declared to be a public nuisance. The City Marshall is authorized and directed to seize and safely destroy any fireworks in violation of this Ordinance found within the jurisdiction of Nevada. Any member of the City Council, or its duly appointed agent, is entitled to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally until the fireworks can be safely destroyed.

SECTION 6. Penalties. Any person who shall manufacture, assemble, store, transport, receive, keep, sell, offer for sale or have in his possession with intent to sell any fireworks shall be fined Two Hundred Dollars (\$200.00). Any parent or guardian of any minor child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks shall be fined not less than Twenty-five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).

SECTION 7. Territorial Applicability. This ordinance shall be applicable and enforceable in the city limits of Nevada and extending outside the city limits of Nevada for a total of one-half mile outside the city limits in any direction; provided that this ordinance shall not be in effect when any portion of the one-half mile area outside the city limits is within the territory of any other municipal corporation.

SECTION 8. Severability Clause. If any section, sub-section, clause or phrase of this Ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9. Adoption. The caption of this Ordinance shall be published in accordance with the law and shall be effective immediately upon its passage and such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE
CITY OF NEADA, TEXAS, on the 13th day of October, 1997.



Janey Mobley, Acting City Secretary



Richard Caldwell, Mayor