

FIREWORKS ORDINANCE

Ordinance No. 1A

AN ORDINANCE PROVIDING THAT FIREWORKS NOT BE MANUFACTURED, ASSEMBLED, STORED, TRANSPORTED, RECEIVED, KEPT, SOLD, OFFERED, POSSESSED WITH INTENT TO SELL, USED, DISCHARGED, CAUSED TO BE DISCHARGED, IGNITED, DETONATED, FIRED, OR OTHERWISE SET IN ACTION WITHIN THE CITY LIMITS OF THE CITY OF BELLS, GRAYSON COUNTY, TEXAS; DEFINING THE TERMS "FIREWORKS" AND "PERSONS"; PERMITTING CERTAIN TRANSPORTATION OF CERTAIN FIREWORKS THROUGH THE CITY ALONG DESIGNATED ROUTES; EXEMPTING THE USE OF SIGNAL FLARES AND TORPEDOES BY RAILROADS AND SIGNAL FLARES OR ROCKETS FOR MILITARY OR POLICE USE FROM THE PROVISIONS OF THE ORDINANCE; DECLARING ILLEGAL FIREWORKS AS NUISANCE AND PROVIDING FOR THEIR SEIZURE AND DESTRUCTION, AUTHORIZING THE FIRE CHIEF TO ENTER ANY BUILDING WHERE THE UNLAWFUL PRESENCE OF FIREWORKS IS PRESENT IN ORDER TO INSPECT THE SAME FOR THE PRESENCE OF SUCH FIREWORKS; PROVIDING FINES FOR THE VIOLATION OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

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

Sec. 1. Definition.

The term "fireworks," as used in this article, shall mean and include any firecrackers, cannon crackers, skyrocket, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any 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.

Sec. 2. Definition

The term "person," as used in this article, shall mean and include any natural person, association of persons, partnership, corporation, agent or officer of a corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors and administrators.

Sec. 3. General Prohibition Against Manufacture, Sale, Discharge, Transportation, etc.

Except as otherwise specifically provided in this article, it shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer or have in his possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description.

Sec. 4. Permitted Transportation

It shall be lawful to transport ICC Class C Common Fireworks, as defined in Article 1725, Vernon's Annotated Texas Penal Code, by motor vehicles which meet the Interstate Commerce Commission requirements for transporting ICC Class C Common Fireworks and equipped with at least one ten pound fire extinguisher for extinguishing Type B fires, along, and upon U. S. or State highways which run through the City.

Sec. 5. Exemption of Railroads, Military and Police Use of Signal Flares, Torpedoes or Rockets

This article shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroads, which signal flares and torpedoes are received by and stored or transported by any railroad for use in railroad operation; nor shall this article apply to signal flares or rockets for military or police use.

Sec. 6. Illegal Fireworks as Nuisance; Seizure and Destruction, Etc.

The presence of any fireworks within the jurisdiction of the City in violation of this article is hereby declared to be a common and public nuisance. The fire chief is directed and required to seize and cause to be safely destroyed any fireworks found in violation of this article and any member of the fire department or any police officer of the City or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally, and to close any building where any fireworks are found stored illegally until the fire chief can be notified in order that such fireworks may be seized and destroyed in accordance with the terms of this section. Notwithstanding any penal provision of this article, the City may file suit for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks within the jurisdiction of the City and to aid the fire chief in the discharge of his duties and to particularly prevent any person from interfering with the seizure and destruction of such fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction.

Sec. 7. Right of Entry to Enforce Ordinance

The fire chief is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.

Sec. 8. Violations of Ordinance

(a) 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 in violation of this

article shall be fined TWO HUNDRED AND NO/100 (\$200.00) DOLLARS for each offense. If the fireworks are separately wrapped or packaged, the doing or omitting to do any act prohibited by this article shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation of this article shall continue with respect to any package of fireworks shall constitute a separate offense.

(b) Any person who shall use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks in violation of this article shall be fined not less than TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS nor more than TWO HUNDRED AND NO/100 (\$200.00) DOLLARS. Any parent or guardian of any minor child below the age of fourteen (14) years who permits or allows such minor child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks in violation of this article shall be fined not less than TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS, nor more than TWO HUNDRED AND NO/100 (\$200.00) DOLLARS.

Sec Amendment +
Sec. 9. Declaring an Emergency

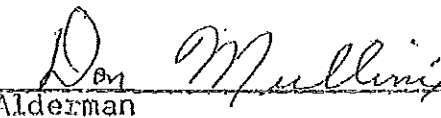
The fact that existing ordinances do not provide an adequate method of regulation and enforcement of the provisions of this ordinance, and for the protection of the public health and welfare, create an emergency and an imperative public necessity, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in force from and after its passage, and it is so enacted.

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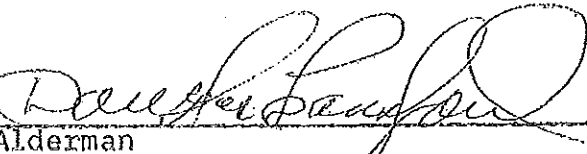
Adopted by unanimous vote of the City Council of the City of Bells, Grayson County, Texas, this 6th day of March, 1973.



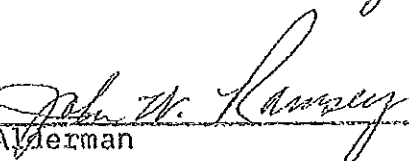
Mayor



Alderman



Alderman



Alderman

Alderman

Alderman

ATTEST:

H.C. Young
City Clerk

(Seal)

Presented after passage to the Mayor of the City of Bells,
Grayson County, Texas, and by the Mayor of the City of Bells,
Grayson County, Texas, in all things approved, this 6th day of
March, 1973.

R. L. Lickorn
Mayor

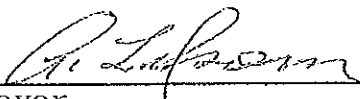
ATTEST:

H.C. Young
Clerk

AMENDMENT OF SECTION 8a and 8b: Section 8a and 8b

- (a) 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 in violation of this article shall be fined ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS for each offense. If the fireworks are separately wrapped or packaged, the doing or omitting to do any act prohibited by this article shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation of this article shall continue with respect to any package of fireworks shall constitute a separate offense.
- (b) Any person who shall use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks in violation of this article shall be fined not less than TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS nor more than ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS. Any parent or guardian of any minor child below the age of fourteen (14) years who permits or allows such minor child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks in violation of this article shall be fined not less than TWENTY-FIVE AND NO/100 (\$25.00) DOLLARS, nor more than ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS.

PASSED AND ADOPTED this 7 day of February,
A. D. 1984.



Mayor

ATTEST:



City Secretary

ORDINANCE NO. 14

AN ORDINANCE PROVIDING THAT FIREWORKS NOT BE MANUFACTURED, ASSEMBLED, STORED, TRANSPORTED, RECEIVED, KEPT, SOLD, OFFERED, POSSESSED WITH INTENT TO SELL, USE, DISCHARGE, CAUSE TO BE DISCHARGED, IGNITED, DETONATED, FIRED, OR OTHERWISE SET IN ACTION WITHIN THE CITY LIMITS OF THE CITY OF BELLS, GRAYSON COUNTY, TEXAS; DEFINING THE TERMS "FIREWORKS" AND PERSONS"; PERMITTING CERTAIN TRANSPORTATION OF CERTAIN FIREWORKS THROUGH THE CITY ALONG DESIGNATED ROUTES; EXEMPTING THE USE OF SIGNAL FLARES AND TORPEDOES BY RAILROADS AND SIGNAL FLARES OR ROCKETS FOR MILITARY OR POLICE USE FROM THE PROVISIONS OF THE ORDINANCE; DECLARING ILLEGAL FIREWORKS AS NUISANCE AND PROVIDING FOR THEIR SEIZURE AND DESTRUCTION, AUTHORIZING THE FIRE CHIEF TO ENTER ANY BUILDING WHERE THE UNLAWFUL PRESENCE OF FIREWORKS IS PRESENT IN ORDER TO INSPECT THE SAME FOR THE PRESENCE OF SUCH FIREWORKS; PROVIDING FINES FOR THE VIOLATION OF THIS ORDINANCE, AND DECLARING AN EMERGENCY.

SEE ATTACHMENT.