

ORDINANCE 060901

AN ORDINANCE OF THE CITY OF WOLFE CITY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF WOLFE CITY BY AMENDING CHAPTER 91 BY ADDING SECTION 91.06 PROVIDING FOR THE REGULATION OF FIREWORKS; PROVIDING DEFINITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Chapter 91; Section 91.06 of the Code of Ordinances, City of Wolfe City, Texas, is amended to read as follows:

Section 91.06 REGULATION OF FIREWORKS

Section 91.06.01 Definitions:

For the purpose of this Article, "fireworks" means any composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation.

Section 91.06.02 Possession, Sale or Discharge Prohibited

It shall be unlawful and an offense for any person to:

- (a) Sell or offer for sale any fireworks in the City of Wolfe City;
- (b) Set off, ignite, light, or in any manner cause the explosion of any fireworks within the corporate limits of the City of Wolfe City; or
- (c) Possess fireworks within the corporate city limits of the City of Wolfe City.

Section 91.06.03 Exceptions

There is hereby excepted from the provisions of this Article the following:

- (a) Toy pistols, toy canes, toy guns, or other devices that use paper or plastic caps in sheets, strips, rolls, or individual caps containing not more than an average of twenty-five hundredths of a grain of explosive composition per cap and that are packed and shipped according to 49 CFR part 173;
- (b) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;
- (c) Propelling or expelling charges consisting of a mixing of sulphur, charcoal, and potassium nitrate;
- (d) Novelties and trick noise makers;
- (e) The sale or use in emergency situations of pyrotechnic signaling devices or distress signals for marine, aviation, or highway use;
- (f) The use of fuse and railway torpedoes by railroads;

- (g) The sale or use of blank cartridges in radio, television, film, or theater productions, or for signal or ceremonial purposes in athletic events, or for industrial purposes;
- (h) The use of any pyrotechnic device by military organizations; or
- (i) A public display of fireworks as authorized under Section 91.06.04 below.

Section 96.01.04 Public Display Authorized by State Law

A public display for private or public amusement may be conducted by a licensed pyrotechnic special effects operator who has obtained a public display permit as authorized by Article 5.43-4 of the Texas Insurance Code, provided the Fire Chief of the City of Wolfe City has conducted a site investigation to determine whether a proposed fireworks display is of a nature or in a location that may be hazardous to property or dangerous to any person. The Chief may, in the exercise of reasonable discretion, approve or disapprove the display site, and may impose reasonable conditions on the display."

SECTION 2. That all ordinances of the City of Wolfe City in conflict with the provisions of this ordinance or the Code of Ordinances as amended hereby be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Wolfe City or the Code of Ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part decided to be invalid, illegal or unconstitutional.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance or the Code of Ordinances, as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Wolfe City, Texas, and upon conviction in the municipal court of the City of Wolfe City, Texas, and upon conviction in the municipal court of the City of Wolfe City, Texas, shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense.

SECTION 5 This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED this 9th day of June, 2008.



Mayor
Bethel Henslee



City Secretary
Amanda Horst

APPROVED AS TO FORM:

City Attorney
Jim McLeroy