

## ARTICLE 5.05 FIREWORKS

### Sec. 5.05.001 Unlawful

- (a) City limits. It shall be unlawful for any person to sale, possess, store, use, or explode any fireworks within the corporate limits of the City.
- (b) Within 5,000 feet of City limits. It shall be unlawful for any person to possess, store, use, or explode any fireworks within the 5,000 feet outside the corporate limits of the City. This subsection shall not apply within any portion of such five thousand foot area which is contained within the territory of another municipality.
- (c) Affirmative defense. It shall be an affirmative defense to prosecution under subsection (b) if the alleged possession and/or storage of fireworks is incident to the sale of fireworks purchased outside the corporate limits of the City. Possession and/or storage is incident to the sale of fireworks if the possession and/or storage of the fireworks:
- (1) Is within five (5) hours of the purchase of the fireworks as supported by a receipt or other evidence; or
  - (2) Is by a vendor licensed or permitted to sell fireworks in the State.
- (d) Nuisance. A violation of this section is hereby defined to be a nuisance.

### Sec. 5.05.002 Possession, sale or use of fireworks declared a nuisance

The doing or performing of any act in violation of the above is defined as a nuisance pursuant to [V.T.C.A., Local Government Code, section 217.042](#).

### Sec. 5.05.003 Display permits

The Fire Marshal is hereby authorized to issue permits for the possession, use, and discharge of supervised display of fireworks in the corporate limits of the City and within 5,000 feet outside the corporate limits of the City, to qualifying operators approved by the Fire Marshal. Applications for display permits shall be made in writing to the Fire Marshal at least ten (10) days in advance of the date of display. The permittee shall furnish a bond or certificate of insurance in a minimum amount determined by the Fire Marshal or the principal sum required by [article 5.01](#) of this Code, as amended, whichever is greater, for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees or subcontractors. Such applicant shall identify his previous experience in handling and discharge of fireworks or shall otherwise demonstrate to the reasonable satisfaction of the Fire Marshal his competency to handle said fireworks. In the event the Fire

Marshal denies a permit to the applicant, said applicant may appeal the Fire Marshal's decision to the Fire Chief by filing a written appeal with the department stating the grounds for appeal. Said appeal shall be heard by the Fire Chief not later than fifteen (15) days after the date said written appeal is filed with the department.

**Sec. 5.05.004 Enforcement**

The Chief of Police or Fire Marshal or their designee(s) are hereby authorized to seize, take, remove or caused to be removed at the expense of the owner, any stock of fireworks offered or exposed for sale, stored, held, possessed or discharged by any person in violation of this article.

**Sec. 5.05.005 Display permit fee**

A nonrefundable display permit fee as provided for in the [fee schedule](#) found in the appendix of this Code shall be assessed when such permit is requested. No permit shall be issued prior to payment of the display permit fee.

(Ordinance CO37-15-08-27-C4 adopted 8/27/15)