

ARTICLE 5.05 FIREWORKS

Sec. 5.05.001 Unlawful

It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail or use or explode any fireworks within the corporate limits of the city or within five thousand (5,000) feet outside the city limits; provided, however, that the fire marshal is hereby authorized to issued permits for the possession, use and discharge of supervised public display of fireworks to qualifying operators approved by the fire marshal. This section shall not apply within any portion of such five thousand foot area which is contained within the territory of another municipality. (1998 Code, sec. 5.501)

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

The doing or performing of any act in violation of [section 5.05.001](#) above is defined as a nuisance pursuant to V.T.C.A., Local Government Code, section 217.042. (1998 Code, sec. 5.502)

Sec. 5.05.003 Display permits

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 of five thousand dollars (\$5,000.00) 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 city council by filing a written appeal with the city secretary requesting a hearing before the city council. Said appeal shall be heard by the city council not later than fifteen (15) days after the date said written appeal is filed with the city secretary. (1998 Code, sec. 5.503)

Sec. 5.05.004 Enforcement

The chief of police or fire marshal is 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. (1998 Code, sec. 5.504)

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. (1998 Code, sec.

5.505)