

ORDINANCE NO. 307-91

AN ORDINANCE AMENDING CHAPTER 5, FIRE PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO THE REGULATION OF FIRE WORKS WITHIN THE CORPORATE CITY LIMITS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

I.

Chapter 5, Fire Protection, of the Code of Ordinances, City of Willow Park, Texas, is hereby amended by adding the following Section 4 to read as follows:

SECTION 4: FIRE WORKS:

A. PROHIBITED GENERALLY

It shall be unlawful for any person to give away, sell, offer or expose for sale, or have in possession with intent to give away, sell or to use, discharge or cause to be discharged, ignited, fired or otherwise set in action, or to possess with the intent to discharge or cause to be discharged, ignited, fired, or otherwise set in action within the limit of the City, any fireworks, firecrackers, rockets, sparklers, torpedoes, roman candles, fire-ballons, or other fireworks or substances of any combination whatsoever designed or intended for pyrotechnic display except as hereinafter provided.

B. EXCEPTIONS FOR PROHIBITION

This section shall not apply to the sale of any such article or articles by wholesalers to each other, or to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City, or to the sale by wholesalers for private or public demonstrations as hereinafter provided, or to the storage of any such article or articles by such wholesalers for any of such purpose, or to the sale, storage or use of colored flares or railroad track torpedoes or other transportation signaling devices, or to the sale, storage or use of flashlight composition by photographers or dealers in photographic supplies, or to the sale, storage or use of blank cartridges for theatrical purposes or for signal purposes in athletic contests or sports events, for the use of any police organization or federal or state militia.

C. SUPERVISED DISPLAYS, PERMIT REQUIRED, CONTENTS OF APPLICATION

Permits for the public or private display of fireworks may be issued by the fire chief, provided, a person desiring to display fireworks shall apply in writing to the fire chief for a permit at least fifteen (15) days in advance of the date of the proposed display and shall set forth:

1. The name of the organization sponsoring the display together with the names of persons actually in charge of the firing of the display.
2. The date and time of day at which the display is to be held.
3. The exact location planned for the display.
4. The description setting for the age, and experience in display of fireworks, of the persons who are to be doing the actual discharging of the fireworks.
5. The number and kinds of fireworks to be discharged.
6. The manner and place of storage of such fireworks prior to the display.
7. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all building, highways, telegraph, telephone or other overhead obstructions and trees located within two hundred (200) yards from the point at which the fireworks are to be discharged and the lines behind which the audience will be restrained. Such permit shall not be granted unless such display shall be of such a character and so located, discharged or fired as in the opinion of the said fire chief, after proper study of the application and proper inspection of the proposed premises, shall not be hazardous to property or endangering to any person.

D. PRESENCE OF FIRE CHIEF AT DEMONSTRATION

The fire chief shall have the right to be present at the discharge of any public or private display of fireworks for which a permit has been issued hereunder and shall have the right to cause the same to be stopped unless it is conducted in strict accordance with the statements made in the application for the permit.

II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

IV.

Wherever in this ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished as provided in Chapter 1, Section 1F of the Code of the City of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas.

V.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this the 19th day of November, 1991.

APPROVED:

Sharon Riley Suarez
SHARON SUAREZ, Mayor

ATTEST:

Kathy Mitchell
City Secretary

APPROVED

Walter W. Leonard
WALTER W. LEONARD, City Attorney