

FIREWORKS ORDINANCE NO. 05-06-13
(Amended 1-14-2019)

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LYFORD, TEXAS, ALLOWING THE SALE OF FIREWORKS WITHIN THE CITY LIMITS FROM JUNE 24 TO JULY 4 AND DECEMBER 20 TO JANUARY 2 OF EACH YEAR, LIMITING THE NUMBER OF FIREWORKS STANDS, REQUIRING THE LOCATION OF ANY FIREWORKS STAND TO BE LOCATED IN A COMMERCIAL ZONED AREA OF THE CITY, REQUIRING SUFFICIENT PARKING ADJACENT TO THE FIREWORKS STAND, REQUIRING A BUSINESS LICENSE IN ORDER TO OPERATE A FIREWORKS STAND AND PROVIDING PENALTY FOR VIOLATION

BE IT ORDAINED BY THE CITY OF LYFORD, TEXAS:

DEFINITIONS: LOCAL AUTHORITY

THE LOCAL AUTHORITY SHALL INCLUDE LYFORD'S PUBLIC SAFETY DIRECTOR, LYFORD'S FIRE CHIEF AND LYFORD'S ASSISTANT FIRE CHIEF.

SECTION 1. IT SHALL HEREAFTER BE LAWFUL TO SELL AND DISPLAY, HAVE POSSESSION FOR THE PURPOSE OF SALE OR DISPLAY, FIRE CRACKERS, SKYROCKETS OR OTHER SIMILAR COMMON FIREWORKS EXPLOSIVES, WHICH ARE DESIGNED, MADE, MANUFACTURED, SOLD AND USED FOR NOISE MAKING PURPOSES, WITHIN THE CORPORATE LIMITS OF THE CITY OF LYFORD, TEXAS.

SECTION 2. NO SALE OR DISPLAY OF FIREWORKS SHALL BE ALLOWED WITHIN THE CITY LIMITS OF LYFORD BEFORE JUNE 24th THRU JULY 4th OR BEFORE DECEMBER 20th THRU JANUARY 2nd UNLESS PRIOR APPROVAL IS OBTAINED FROM CITY COUNCIL.

ENTITIES OR ORGANIZATIONS WITH ISSUED PERMITS WILL BE ALLOWED TO DISPLAY THE FIREWORKS ONLY BETWEEN THE HOURS OF 1:00 PM THRU 12:00 MIDNIGHT ON THE DATES SET OUT ABOVE.

ENTITIES OR ORGANIZATIONS WITH SPECIAL EVENTS MUST HAVE THE LOCATION OF THE EVENT INSPECTED AND APPROVED BY THE LOCAL AUTHORITY PRIOR TO THE ISSUANCE OF A PERMIT BY CITY HALL.

THE GENERAL PUBLIC WILL BE ALLOWED TO DISPLAY FIREWORKS ONLY BETWEEN THE HOURS OF 1:00 PM THRU 1:00 AM ON THE DATES SET OUT ABOVE.

SECTION 3. THERE SHALL NOT BE MORE THAN TWO (2) FIREWORK STANDS OPERATING WITHIN THE CITY LIMITS OF THE CITY OF LYFORD, TEXAS, AT ANY ONE TIME.

SECTION 4. ANY PERSON OR GROUP SELLING FIREWORKS MUST FIRST OBTAIN A BUSINESS LICENSE FROM THE CITY AND COMPLY WITH ALL STATE AND

LOCAL LAWS AND ORDINANCES. THE COST OF THE LICENSE SHALL BE FIVE HUNDRED DOLLARS (\$500.00) PER SEASON.

ANY ENTITY OR ORGANIZATION INTENDING TO POSSESS, DISPLAY OR EXHIBIT FIREWORKS TO THE PUBLIC MUST OBTAIN A PERMIT FOR POSSESSION OR DISPLAY PRIOR TO THE EVENT. THE COST OF THE PERMIT SHALL BE FIFTY (\$50.00) DOLLARS. PERMIT FEES SHALL BE DEPOSITED INTO THE GENERAL FUND.

SECTION 5. PRIOR TO OPENING, ANY SUCH BUSINESS POSSESSING OR DISPLAYING FIREWORKS MUST PROVIDE TO THE CITY SATISFACTORY PROOF OF LIABILITY INSURANCE IN THE MINIMUM AMOUNT OF \$100,000.00 NAMING THE CITY OF LYFORD AS THE CERTIFICATE HOLDER.

OTHER ENTITIES OR ORGANIZATIONS REQUESTING A DISPLAY OR EXHIBITION OF FIREWORKS MUST PROVIDE PROOF OF THE MINIMUM LIABILITY INSURANCE AMOUNT STATED IN THIS SECTION TO THE CITY SECRETARY PRIOR TO THE ISSUANCE OF A PERMIT.

SECTION 6. ANY SALE OF FIREWORKS WITHIN THE CITY LIMITS OF LYFORD MUST BE MADE FROM A WELL CONSTRUCTED STAND LOCATED IN A COMMERCIAL ZONED AREA OF THE CITY AND MUST HAVE ADEQUATE PARKING ADJACENT TO IT.

SECTION 7. ALL ORDINANCES OF THE CITY OF LYFORD, TEXAS, IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE, AND THE SAME ARE HEREBY, REPEALED; PROVIDED, HOWEVER THAT ALL OTHER PROVISIONS OF SAID ORDINANCES NOT BE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL REMAIN IN FULL FORCE AND EFFECT.

SECTION 8. ANY PERSON, ENTITY, ORGANIZATION OR ANY BUSINESS WHO SHALL VIOLATE ANY OF THE PROVISIONS OF THIS ORDINANCE, SHALL, UPON CONVICTION THEREOF, BE PUNISHED BY A FINE IN ANY SUM OF NOT LESS THAN TWENTY-FIVE (\$25.00) DOLLARS AND NOT TO EXCEED FIVE HUNDRED (\$500.00) DOLLARS.

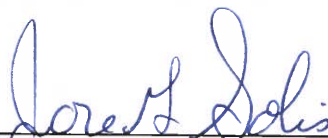
THIS ORDINANCE SHALL GIVE THE LOCAL AUTHORITY AND THE LYFORD POLICE DEPARTMENT AUTHORIZATION TO SEIZE ANY AND ALL FIREWORKS AND EQUIPMENT FROM ENTITIES, ORGANIZATIONS OR GENERAL PUBLIC UNTIL A FINAL DISPOSITION IS ORDERED BY THE MUNICIPAL COURT MAGISTRATE TO RETURN OR DESTROY THE SEIZED ITEMS TO ITS PROPER ADULT OWNER.

SECTION 9. THIS ORDINANCE SHALL GRANT THE LOCAL AUTHORITY THE RIGHT TO CANCEL ANY PREVIOUS GRANTED PERMITS TO ANY ENTITY OR ORGANIZATION IF THE LOCAL AUTHORITY DEEMS NECESSARY DUE TO DANGEROUS CONDITIONS SUCH AS, BUT NOT LIMITED TO: INCREMENT WEATHER CONDITIONS, EXTREME DROUGHT CONDITIONS, HIGH WINDS OR ANY UNFORSEEN SITUATIONS, PERMIT COST IS REFUNDABLE ONLY IF EVENT IS CANCELLED BY THE LOCAL AUTHORITY.

- SECTION 10. ANY ENTITY OR ORGANIZATION USING 1.3G COMMERCIAL GRADE FIREWORKS MUST COMPLY WITH ALL REGULATIONS SET FORTH BY THE REGULATORY AGENCIES IDENTIFIED AS USDOT/FMCSA, PHMSA, BATFE, OSHA, EP, USCG, FAA, AND STATE AND LOCAL AGENCIES.
- SECTION 11. ANY ENTITY OR ORGANIZATION USING 1.4G CONSUMER GRADE FIREWORKS MUST COMPLY WITH RULES AND REGULATIONS SET FORTH IN THIS ORDINANCE.
- SECTION 12. ALL FIREWORKS DISPLAY OR EXHIBITIONS MUST HAVE AT LEAST ONE FIRE APPARATUS AT THE DISPLAY SITE.
- SECTION 13. NO POLICY, PERMIT, OR ORDINANCE RELIEVES THE ENTITY, ORGANIZATION OR PYRO-TECHNICS OPERATOR OR COMPANY OF LIABILITY TO PROPERTY INSURE THE SAFE TRANSPORTATION OR DISPLAY OF FIREWORKS WITHIN THE CITY OF LYFORD.
- SECTION 14. THIS AMENDED ORDINANCE SHALL TAKE EFFECT IMMEDIATELY FROM AND AFTER ITS PASSAGE, AND PUBLICATION OF THE CAPTION, AS THE LAW IN SUCH CASES PROVIDE.

APPROVED TO AMEND ON THIS THE 14TH DAY OF JANUARY, 2019.

CITY OF LYFORD



JOSE G. (WALLY) SOLIS

ATTEST:



CITY SECRETARY