

**CITY OF COTTONWOOD SHORES**

**ORDINANCE 5003**

**AN ORDINANCE OF THE CITY OF COTTONWOOD SHORES, TEXAS, PROVIDING FOR THE REGULATION OF FIREWORKS, ESTABLISHING PENALTIES AND PROVIDING FOR OTHER RELATED MATTERS.**

History: July 5, 2012. Amended to allow Code Official to enforce and write citations for any violation in this ordinance.

August 7, 2014: Amended for punctuation

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THAT:**

**SECTION 1. - SALE AND DISCHARGE OF FIREWORKS.**

1. The provisions of this section shall apply to the area within the City and the boundary limits of the City shall include all annexations authorized and enacted from time to time by the City Council.
2. It shall be unlawful for any individual, firm, partnership, corporation, or association, without special authorization from the City, to possess, manufacture, assemble, sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise put in action any fireworks of any description within the jurisdiction of the City.
3. It shall be unlawful for any parent or guardian of any minor child below the age of 18 years, to permit or allow such a minor child to store, keep, use discharge, ignite, detonate fire or otherwise set in action any fireworks within the jurisdiction of the City.
4. It shall be unlawful for any person to knowingly or intentionally encourage or in any way assist a person under 18 years of age in to store, keep, use, discharge, ignite, detonate, fire or otherwise set in action, transport, keep, possess, or otherwise store any fireworks within the jurisdiction of the City.

**SECTION 2. - PERMITS.**

Applications for permits shall be made in writing at least 30 days in advance of the date of the display. Permits may be granted by City Council for specific events or displays and after such permit is granted, the possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted under this subsection shall be transferable.

**SECTION 3. - EXEMPTIONS.**

The following exemptions shall apply to activities prohibited in this section.

1. Fireworks being transported in interstate commerce under transportation (DOT) regulations covering the transportation of explosives and other dangerous articles by motor, rail, and water.

2. The sale, storage, and use in emergency situations of pyrotechnic signaling devices or distress signals for marine, aviation or highway use.
3. Fireworks displays held in accordance with a permit issued by the City.

**SECTION 4 - ENFORCEMENT**

1. The Fire Marshal, Code Official or any Peace Officer shall seize any fireworks found in violation of this section.
2. The Fire Marshal, Code Official or any Peace Officer is authorized to
  - 2.1. Detain any fireworks being illegally transported.
  - 2.2. Close any building where illegally stored fireworks are located until the Fire Marshal has been provided with an opportunity to seize and destroy the fireworks in accordance with the provisions of this section.
  - 2.3. Issue a citation on any violation in this ordinance.
3. Notwithstanding any penal provision of this section, the City Council may specifically authorize the City Attorney to file suit on their behalf to:
  - 3.1. Prevent unlawful storage, transportation, sale or use of fireworks within the jurisdiction of the City; and to aid the Fire Marshal in the discharge of his duties; or
  - 3.2. Prevent a person from interfering with the seizure and destruction of illegal fireworks in accordance with this section.
4. It is not necessary to obtain injunctive relief as a prerequisite to seizure and destruction of illegal fireworks.
5. The Fire Marshal shall cause to be safely destroyed any fireworks seized pursuant to this section.

**SECTION 5 - PENALTY**

1. Any person who violated any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$2,000.00.
2. Any person who manufactures, assembles or stores or who transports, receives, keeps, sells, offer for sale or has in his possession any fireworks, within the city limits, without a valid permit, shall be fined an amount not less than \$200.00 and not more than \$2,000.00 for each offense. If the fireworks are separately wrapped or packaged, doing any act prohibited by, or omitting to do any act required by this section shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation of this section continues with respect to any package of fireworks constitutes a separate offense.
3. Any person who uses, discharges, causes to be discharged, ignites, detonates fires or otherwise sets in action any fireworks shall be in violation of the provisions of this section and is guilty of a separate offense for each act prohibited by this section. Upon conviction for \$200.00 and not more than \$2,000.00 for each offense.

**SECTION 6 - SEVERABILITY**

Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application

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to any person or circumstance for any reason therefore be held ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**SECTION 7 - EFFECTIVE DATE**

This ordinance shall take effect immediately upon its passage and approval by the City Council on the date set forth below.

**SECTION 8 - OPEN MEETINGS**

It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act. Chapter 551. Texas Government Code.

**PASSED AND APPROVED** by the City Council of Cottonwood Shores, Texas, at a meeting on the 7<sup>th</sup> day of August, 2014 with 5 votes in favor, 0 votes against and 0 abstentions.

  
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Mayor Pro-Tem Sherry  
City of Cottonwood Shores



Attest:

  
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Sheila C. Moore,  
City Administrator/City Secretary