

ORDINANCE No: 2016-O-002

THIS ORDINANCE FOR THE CITY OF BLANCO, TEXAS, PROHIBITS THE SALE OR USE OF FIREWORKS WITHIN CITY LIMITS; PROVIDES DEFINITIONS; PROVIDING EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDES THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Blanco, Texas, is a Type A general-law municipality located in Blanco County, Texas, was created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, the City Council wishes to promote a clean, healthy, safe, and attractive environment for the citizens of the City of Blanco;

WHEREAS, the City Council has determined that the use or sale of fireworks within the City Limits, except in compliance with this Ordinance, constitutes a nuisance and can lead to health and safety hazards; and

WHEREAS, the City Council finds that this Ordinance is necessary to promote the health and safety of the citizens, and to enhance the city's appearance.

BE AND IT IS HEREBY IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLANCO, TEXAS:

**SECTION 1.
DEFINITIONS**

- A. "Fireworks" means a composition or device: designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation; and defined by 49 C.F.R. Section 173.56(j) (1996); a large fireworks device: primarily designed to produce visible or audible effects by combustion, deflagration, or detonation; and classified as a 1.3G explosive by the department in 49 C.F.R. Part 173 (1996); a small fireworks device: primarily designed to produce visible or audible effects by combustion, deflagration, or detonation; that complies with the construction, labeling, and chemical composition requirements of the United States Consumer Product Safety Commission in 16 C.F.R. Part 1507 (1996), or the most recently adopted version of that rule; and that is classified in 49 C.F.R. Part 173 (1996).
- B. "Illegal fireworks" means a fireworks device manufactured, distributed, or sold in violation of this Ordinance.
- C. "Indoor or proximate display" means a pyrotechnic display involving the ignition of fireworks for public amusement where an audience is closer to the pyrotechnic devices than permitted by NFPA 1123 Code of Fireworks Display. The term does not include the use of fireworks by a retail consumer for private or personal amusement.

**SECTION 2.
NUISANCE DECLARED**

The presence of any fireworks within the city's corporate limits in violation of this Ordinance be and hereby is declared to be a nuisance.

**SECTION 3.
POSSESSION, USE, MANUFACTURE, ETC.**

Except as set forth in Section 4, it shall be an offense for any person to use, manufacture, assemble, sell, or offer for sale, any firework(s) of any description within the City's corporate limits.

SECTION 4. EXCEPTIONS

The following exceptions apply to Section 3 of this Ordinance:

It shall not be an offense under this Ordinance for the City of Blanco and/or a person and/or entity permitted by the City of Blanco to provide a public display of fireworks.

It shall not be an offense under this Ordinance for any person or entity permitted by the City to sell or offer for sale any fireworks of any description within the City's city limits or extra-territorial jurisdiction. The permit fee shall be \$250.00 and the permit shall expire on the earlier of the (1) date and time set forth in this Section 4; or (2) fourteen (14) days from the date of issuance.

It shall not be an offense under this Ordinance for any person to set off fireworks on their private property on the following dates and times: (1) New Year's Eve beginning at 12 noon until 1 a.m. on January 1st of the next calendar year; and (2) July 4th beginning at 12 noon and continuing until 1 a.m. of July 5th of the same calendar year.

**SECTION 5.
CUMULATIVE**

This Ordinance be and hereby is cumulative of all other provisions and/or ordinances of the City of Blanco, Texas, except where the provisions of those ordinance(s) are in direct conflict with the provisions of this Ordinance. In the event of a conflicting provision(s) of another ordinance(s), the provisions of this Ordinance shall prevail.

**SECTION 6.
SEVERABILITY**

It is hereby is declared that it is the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be and hereby are declared severable. Accordingly, if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid final judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 7.
PENALTY**

Any person or entity who violates, disobeys, omits, neglects or refuses to comply with this Ordinance or who resists the enforcement of any of the provision(s) of this Ordinance. shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 8.
SAVINGS**

All rights and remedies of the City of Blanco are expressly saved as to any other ordinances affecting nuisances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

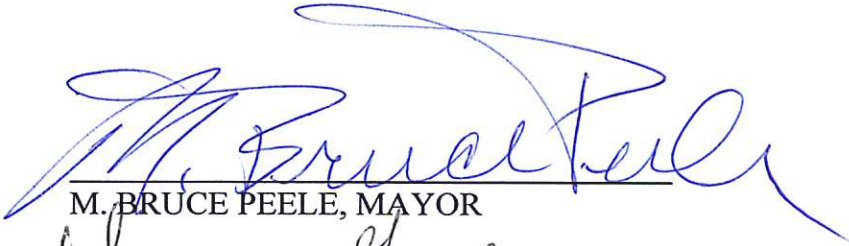
**SECTION 9.
PUBLICATION**

The City Secretary of the City of Blanco be and hereby is hereby directed to publish in the official newspaper of the City of Blanco, the caption, penalty clause, publication clause and effective date clause of this Ordinance two (2) days as authorized by Section 52.011 of the Local Government Code.

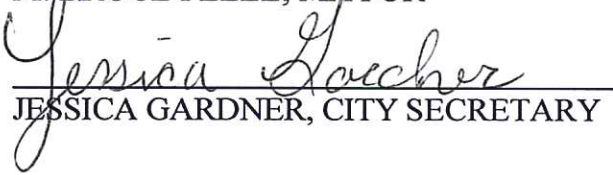
**SECTION 10.
EFFECTIVE DATE**

This Ordinance be and hereby shall be in full force and effective after its passage by the City Council for the City of Blanco and its publication as provided by law.

PASSED AND APPROVED ON THIS DAY 10 DAY OF May, 2016.



M. BRUCE PEELE, MAYOR



JESSICA GARDNER, CITY SECRETARY