

# **ORDINANCE NUMBER 60401**

STATE OF TEXAS  
COUNTY OF BELL  
CITY OF NOLANVILLE

AN ORDINANCE FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS, OR THE GENERAL WELFARE OF THE CITY OF NOLANVILLE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOLANVILLE:**

**ARTICLE I TITLE, PURPOSE, INTERPRETATION AND APPLICATION, JURISDICTION, SERVERABILITY, AND REPEAL OF CONFLICTING ORDINANCE.**

## **SECTION 100.1 Title**

Ordinance shall be known as and may be cited and referred to as the "Fireworks Ordinance of the City of Nolanville, Texas."

## **SECTION 101.1 Purpose**

This ordinance is enacted for the purpose of promoting the health, safety, morals and general welfare of the community;

## **SECTION 102.1 Interpretation and Application**

As concerns interpretation and application, the provision of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provision of rules or regulations or ordinance, the provision of this ordinance shall control. Terms and words are to be used and interpreted as defined in Article II of this ordinance.

## **SECTION 103.1 Jurisdiction**

This ordinance shall be in full force and effect in the corporate limits of the City of Nolanville, Texas. Territory annexed to the corporate limits of the City of Nolanville, Texas subsequent to the effective date of this ordinance shall immediately be subject to the provisions of this ordinance.

## **SECTION 104.1 Severability Clause**

In case any portion of this ordinance shall be held to be invalid or unconstitutional, the remainder of this ordinance shall not thereby be invalid, but shall remain in full force and effect.

## **SECTION 105.1 Repeal of Conflicting Ordinances**

Any Ordinance now in effect that conflicts or is inconsistent with any provisions of this ordinance is hereby repealed to the extent of such conflict or inconsistency.

## **ARTICLE II DEFINITIONS**

### **SECTION 201.1 Interpretation of Words and Terms**

The term "Fireworks" as used in this article includes and shall be construed to mean all contrivances of inflammable and explosive materials combined of various proportions for the purpose of producing in combustion beautiful, amusing, audible or scenic effects.

## **ARTICLE III PROHIBITIONS RELATING TO SALES, MANUFACTURE, DISCHARGE, OR POSSESSION**

### **SECTION 301.1 General Prohibitions**

A) It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer or have in such person's possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description within the city , or within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet, unless such area is within the corporate limits of another municipality except as authorized in this ordinance.

B) The fire chief shall seize, take, remove, or cause to be destroyed, at the expense of the owner, any fireworks offered or exposed for sale, stored, or held in violation of this section.

C) Any firefighter, any police officer or any other peace officer is empowered to detain any fireworks found being transported illegally or to close any building while any fireworks are found stored illegally until the fire department can be notified in order that such fireworks may be seized and destroyed.

D) The City attorney is authorized to file suit on behalf of the City for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using fireworks within the jurisdiction of the city and to prevent any person from interfering or attempting to interfere with the seizure and destruction of such fireworks, provided, however, that it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.

E) Any firefighter is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks. In any instance where the fire chief or any of his duly authorized representatives have probable cause to believe that fireworks are being stored in a building, they shall promptly enter the building for the purposes of inspection. It shall be the duty of the owner, lessee

or person otherwise in charge of such building or their agents or employees to open and permit entry into the building by persons charged with the enforcement of this ordinance.

### **SECTION 302.1 Permitted Use**

A) The City Council may permit the use of fireworks for public displays within the corporate limits of the city and within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5000) feet, unless such area is within the corporate limits of another municipality. Nothing in this section shall permit the use of common Class C fireworks by members of the general public.

B) Application for permits shall be made in writing to the City at least thirty (30) days in advance of the date of the outdoor display. The City shall forward the application to the fire chief, who shall cause site investigation to be made to determine whether the proposed fireworks display is of a nature or in a location that may be hazardous to property or dangerous to any persons. The fire chief shall forward his recommendation of approval or disapproval, along with any reasonable conditions that he recommends should be placed on the permit. The application shall also be forwarded to the police chief, who shall also forward his recommendations to the City Council.

C) The application shall set forth the following:

- 1) The name of the individual, group or organization sponsoring the outdoor fireworks display, together with the names of persons actually in charge of the firing of the display.
- 2) Evidence of financial responsibility in accordance with the requirements of V.T.C.S., Insurance Code, Article 5.43-4, Section 15, as may hereafter be amended and naming the city as an additional insured.
- 3) The date and time of day at which the outdoor fireworks display is to be held and any alternate date.
- 4) Confirmation of the State Of Texas issued license of the operator and the number of assistants that will be present:
- 5) Confirmation of the State of Texas issued public display permit if required and previously acquired;
- 6) The approximate number and kinds of fireworks to be discharged.
- 7) The manner and place of storage of such fireworks prior to delivery to the outdoor fireworks display site; and
- 8) A diagram of the grounds on which the outdoor fireworks display is to be held showing the point at which the fireworks are to be discharged, the location of all



buildings, highways, and other lines of communications, the lines behind which the audience will be restrained, and the location of other possible overhead obstructions.

C) Upon authorization of the city council, and in addition to any conditions placed on the permit holder by the city council, the permit holder must comply with the following requirements:

- 1) Provide to the fire chief copies of the state issued public display permit (if required) and certificate of insurance five (5) days in advance of the outdoor display.
- 2) Comply with the provision of NFPA 1123 and Title 37, Texas Administrative Code, Chapter 591, and any amendments thereto, and
- 3) Immediately dispose of any fireworks that remain unfired after the display is concluded in a way safe for the particular type of fireworks remaining.

D) Any permit issued by the City Council is not transferable and is valid for only one (1) outdoor display to be held during the hours authorized on the approved date, or alternate date.

#### **SECTION 303.1 Fees and Bonds**

- A) A fee of twenty five dollars (\$25.00) shall be required for the issuance of a fireworks display permit.
- B) The request for issuance of a fireworks display permit shall be accompanied by a bond in the sum of not less than one thousand dollars (\$1000.00), executed by the person requesting such permit as principal with sufficient sureties satisfactory to the fire chief, which bond shall be payable to the mayor of the city and the mayor's successors in office for the use and benefit of any person entitled thereto, and conditioned that the principal and sureties will pay all damages to persons caused by or arising from or growing out of the display of fireworks for which the permit is issued.

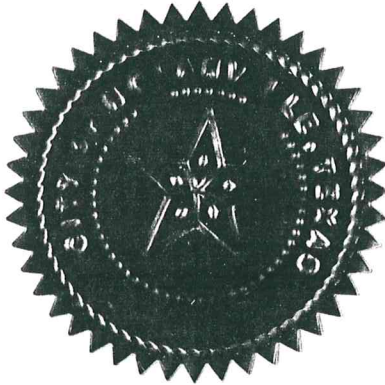
#### **ARTICLE IV VALIDITY**

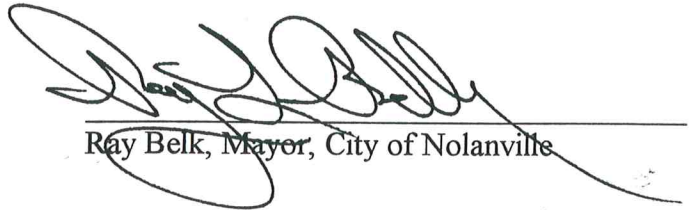
1. If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part of provision thereof other than the part or provision thereof other than the part so decided to be invalid or unconstitutional.
2. All Ordinance or parts of Ordinances in conflict herewith are hereby repealed.

## ARTICLE V ADOPTION

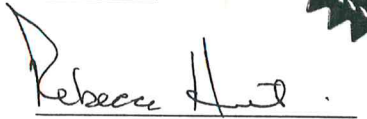
It being necessary for the preservation of the public peace, health and safety, this Ordinance shall be in full force and effect from and after its adoption by the Nolanville City Council and the date of its approval by the Mayor.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF NOLANVILLE, TEXAS ON THIS 6TH DAY OF NOVEMBER, 1997, AND APPROVED BY ME THIS 6TH DAY OF NOVEMBER, 1997.**



  
Ray Belk, Mayor, City of Nolanville

ATTEST:

  
Rebecca Hunt, City Clerk

STATE OF TEXAS

COUNTY OF BELL

§  
§  
§

ORDER PROHIBITING CERTAIN FIREWORKS  
IN UNINCORPORATED AREAS OF BELL COUNTY, TEXAS

WHEREAS, the Texas Forest Service has determined that drought conditions exist in Bell County;  
and

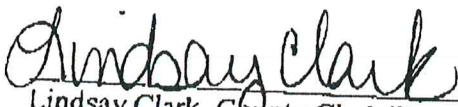
WHEREAS, on the 11<sup>TH</sup> of December 2006, the Commissioners Court of Bell County has determined that the normal danger of fire in the unincorporated areas of Bell County is greatly enhanced by the extremely dry conditions now existing;

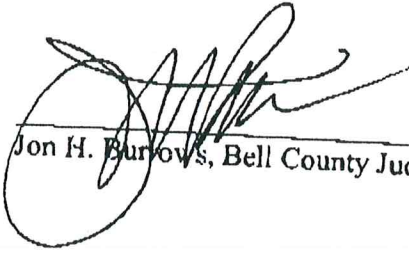
NOW, THEREFORE, the Commissioners Court of Bell County adopts this Order prohibiting the sale or use of restricted fireworks in the unincorporated areas of Bell County.

- A. No person may sell, detonate, ignite, or in any way use fireworks classified under 49 C.F.R. part. 173.100(r)(2) (10-1-86 edition), as "skyrockets with sticks" and "missiles with fins" in any portion of the unincorporated area of Bell County.
- B. This Order does not prohibit:
1. common fireworks, small in size classified as Class C explosives;
  2. large fireworks devices designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and classified as Class B explosive by the U.S. Dept. Of Trans. [TEX.OCC.CODE, Chapter 2154].
- C. A person commits an offense if the person knowingly or intentionally violates a prohibition established by this Order. An offense under this order is a Class C. Misdemeanor.

APPROVED THIS THE 11<sup>TH</sup> DAY OF DECEMBER, 2006, BY THE BELL COUNTY COMMISSIONERS COURT.

Attest:

  
Lindsay Clark, County Clerk Deputy

  
Jon H. Burrows, Bell County Judge