

ORDINANCE NO. 155

AN UPDATED ORDINANCE ESTABLISHING TIMES, ABILITY TO PROHIBIT AND LOCATIONS FOR THE LEGAL USE OF FIREWORKS AND PROVIDING A PENALTY FOR VIOLATION THEREOF WHICH SUPERSEDES PREVIOUS RELEASE OF 155 AND 155A.

WHEREAS, the Town Council of the Town of Enchanted Oaks finds that the general health and welfare of the citizens of Enchanted Oaks is directly affected by safe and controlled operation of fireworks and have determined that the adoption of the following ordinance is in the best interest of the Town of Enchanted Oaks.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS AS FOLLOWS:

SECTION 1. **DEFINITIONS**

For the purpose of this ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning. Only fireworks authorized for sale at fireworks stands in the State of Texas can be discharged.

Fireworks –Includes but is not limited to: firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display, and such term shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specifically designated and defined or not.

Discharge/Operate/Set Off – Any act causing or calculated to cause the explosion or ignition of fireworks or to cause the propelling of fireworks into the city limits.

Person(s) – Includes any natural person, association of persons, partnership, corporation, or agent.

SECTION 2. **LOCATIONS**

Fireworks in any shape or form may only be discharged, operated or set off within the Town of Enchanted Oaks on private property. Exception is the west boat ramp and streets.

SECTION 3. **DATES**

Fireworks in any shape or form may only be discharged, operated or set off on the 4th of July and 31 December/1 January New Year holiday. The town council shall review these dates annually and identify the approved discharge periods for that year. Any other times of the year discharge and/or operation of fireworks within the Town of Enchanted Oaks is prohibited.

Fireworks shall be prohibited during town burn bans, or when the town council deems that other conditions or hazards may present a significant risk to life or property.

SECTION 4. **TIMES**

Fireworks shall not be discharged and /or operated after 12 Midnight or before 9 A.M., except until 1:30 A.M. on January 1st. These times may be adjusted at the discretion of the town council.

SECTION 5. DISPOSAL OF DEBRIS

Persons discharging and /or operating fireworks per this ordinance are responsible for clean up of debris they generate, and should be considerate of their neighbors.

SECTION 6 - PENALTY

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in a court of law shall be subject to the maximum fine allowed by state law for each offense. Each day such violation continues it shall constitute a separate offense.

PASSED AND APPROVED THIS 10th day of SEPTEMBER 2013.

Donald G. Warner III, Mayor
Enchanted Oaks, Texas

ATTEST

Pam Foster
City Secretary