

ORDINANCE NO. 1540

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, TEXAS, REVOKING CHAPTER 7, FIRE PROTECTION AND PREVENTION, ARTICLE III, FIREWORKS AND AMMUNITION, REGULATING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF JACKSONVILLE AND SUBSTITUTING THEREFOR A NEW ARTICLE III. FIREWORKS AND AMMUNITION REGULATING THE SALE OR USE OF FIREWORKS WITHIN THE CITY OF JACKSONVILLE, TEXAS.

WHEREAS, it has become necessary to modify the ordinance provided for in the Code of Ordinances at the City of Jacksonville, Texas pertaining to sale or use of fireworks prohibited within the city limits, and

WHEREAS, the City of Jacksonville desires to protect the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, TEXAS THAT:

Section I.

Chapter 7. Fire Protection and Prevention, Article III Fireworks and Ammunition, as set forth in the Code of Ordinances of the City of Jacksonville, Texas is revoked and deleted and the following is substituted therefor as a new Chapter 7. Fire Protection and Prevention, Article III. Fireworks and Ammunition.

ARTICLE III. – FIREWORKS AND AMMUNITION

Sec. 7-42 – Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Consumer Fireworks: Any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U. S. Consumer Product Safety Commission, as set forth in title 16, Code of Federal Regulations, parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg. or less of explosive materials, and aerial devices containing 130 mg. or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the U. S. Department of Transportation at 49 CFR 172.101. This term does not include fused set pieces containing components which together exceed 50 mg. of salute power.

Display Fireworks: Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains (130 mg.) of explosive materials, aerial shells containing more than

40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks." Display fireworks are classified as fireworks UN0333, UN0334 or UN0335 by the U. S. Department of Transportation at 49 CFR 172.101. This term also includes fused set pieces containing components which together exceed 50 mg. of salute powder.

Pyrotechnics: Fireworks, signal lights, railroad track torpedoes, flashlight compositions, or other devices or compositions used to obtain visible or audible display, and include also fire balloons having burning material of any kind attached thereto.

Small arms ammunition: Any shotgun, rifle, pistol, or revolver cartridge.

Sec. 7-43 – Sale or use of fireworks within the city limits.

Consumer fireworks are permitted to be discharged or exploded within the corporate limits of the City with the following conditions:

- (1) Consumer fireworks can only be discharged or exploded within the natural shorelines of Lake Jacksonville.
- (2) Consumer fireworks must be discharged or exploded over the water from a permanent structure to include, but not limited to, docks and boat houses.
- (3) Consumer fireworks may not be discharged or exploded from any vessel unless it is tied to a dock or boat house.
- (4) Consumer fireworks may not be discharged or exploded while the county is under a burn ban.

Sale of consumer fireworks are permitted within the corporate limits of the City with the following conditions:

- (1) Consumer firework stands must be located within one (1) mile of the corporate limits of the City.
- (2) Consumer firework stands must be located on a state maintained roadway.
- (3) Consumer firework stands must be a minimum of three hundred (300) feet from any residential structure.
- (4) Consumer firework stands must be a minimum of five hundred (500) feet from any gas station, fuel storage facilities, lumber yard or any other facility that stores highly combustible material.

- (5) Consumer firework stands must be a minimum of three hundred (300) feet from any school and/or daycare.
- (6) Consumer firework stands must obtain all required state license/permits and apply for a permit with the City of Jacksonville Public Works Office. All stands must be inspected by the City of Jacksonville Fire Marshal prior to opening.

Except as permitted above, no person shall sell, give away, use, discharge or explode any fireworks within the corporate limits of the City. Except permitted in this article, no person shall sell, give away, use, discharge or explode any display fireworks within the corporate limits of the City.

Sec. 7-44 – Fireworks explosions on private property prohibited.

Except as permitted in this article, no person shall permit the explosion of fireworks upon property owned or occupied by that person within the corporate limits of the City.

(Ord. No. 3, § 3, 1-18-55; Ord. No. 104, 1-3-61)

Sec. 7-45 – Parents, etc., responsibility for fireworks explosion.

No parent, guardian or person in loco parentis shall permit their child or ward to discharge or explode fireworks within the corporate limits of the City.

(Ord. No. 3, § 4, 1-18-55; Ord. No. 104, 1-3-61)

Sec. 7-46 – Pyrotechnics sale, possession or use prohibited generally.

Except as permitted in this article, no person shall have, keep, store, use, manufacture, sell, handle, offer for sale or expose for sale pyrotechnics within the corporate limits of the City.

(Ord. No. 3, § 5, 1-18-55; Ord. No. 104, 1-3-61)

Sec. 7-47 – Small arms ammunition manufacture prohibited.

No person shall manufacture small arms ammunition within the corporate limits of the City. This provision shall not be construed as prohibiting the hand loading of small ammunition for private use and not for resale.

(Ord. No. 3, § 6, 1-18-55; Ord. No. 104, 1-3-61)

Sec. 7-48 – Exemptions.

- a) Nothing in this article shall prohibit the possession or use of signaling devices for current daily consumption by railroads, motor carriers and others required by law to have them.
- b) Nothing in this article shall prohibit the possession, sale, or use of normal stocks of flashlight compositions by photographers or dealers in photographic supplies.
- c) Nothing in this article shall prohibit the use of blank cartridges for signal purposes in athletic contests, sporting events, theatrical productions, public parades and ceremonies or by police or military organizations, nor shall this article be held to prohibit the sale of blank cartridges for such purpose.

(Ord. No. 3, § 7, 1-18-55)

Sec. 7-49 – Authorized displays.

Any person desiring to put on a fireworks display using display fireworks, which the general public may attend, may, upon petitioning the City Fire Chief and/or the City Fire Marshal, and upon the approval of the City Fire Chief and/or the City Fire Marshal, may discharge or explode display fireworks within the corporate limits of the City under such conditions and at such place as the City Fire Chief and/or the City Fire Marshal may direct. All individuals and/or corporations that desire to put on a firework display using display fireworks must obtain all required state and federal licensing and adhere to all safety measures required by the City Fire Chief and/or the City Fire Marshal.

Section II.

Severability. It is the intention of the City Council of the City of Jacksonville, Texas that if any phrase, sentence, section or paragraph of this ordinance be declared unconstitutional or otherwise invalid by final judgment by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

Section III.

Compliance. A notice was posted and this ordinance was passed in accordance with the Texas Open Meeting Act.

Section IV.

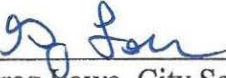
Effectiveness. The City Council by the City of Jacksonville, Texas declares that this ordinance shall go into effect after its passage, approval and publication according to law.

Passed and adopted the 14th day of November, 2017.



Dick Stone, Mayor

ATTEST:



Greg Lowe, City Secretary



Marvin J. Angle, City Attorney