

Ordinance No. 814

“Amended Fireworks Ordinance”

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS, AMENDING CHAPTER 18 (FIRE PREVENTION), ARTICLE V (FIREWORKS) OF THE GRANITE SHOALS CODE OF ORDINANCES; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Granite Shoals adopted Ordinance 437 on August 9, 2005, to regulate the sale and discharge of fireworks within the city limits of the City of Granite Shoals; and

WHEREAS, section 217.042 of the Texas Local Government Code permits a home-rule municipality to define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits; and

WHEREAS, the City of Granite Shoals finds that the use or sale of fireworks in the City limits, except as authorized in this ordinance, constitutes a nuisance and can lead to health and safety hazards within the City; and

WHEREAS, after due consideration, the Council finds that the following amendments are in the best interest of the health, safety, and welfare of the citizens of Granite Shoals and of the public generally;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENT

Chapter 18 (Fire Prevention), Article V (Fireworks) of the City of Granite Shoals Code of Ordinances is hereby amended as follows:

“Article V. Fireworks

...

Sec. 18-91. Definition.

As used in this article the term “fireworks” shall be interpreted so as to give it the same meaning as it has in common usage, and so as to give this article its most reasonable application. Without limiting the above statement, it shall also mean and include any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, ~~including blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs,~~

~~sparklers, or other devices of like construction, and including~~ any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive or flammable compound. Provided, however, that it shall not include any auto flares, paper caps containing not in excess of an average of twenty-five-hundredth of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices for use of such caps.

...

Sec. 18-95. Exceptions

- (a) The following exceptions apply to Section 18-92, Section 18-93, and Section 18-94 of this code.
- (1) It shall not be an offense under this Code for the City of Granite Shoals or a person or entity expressly permitted to do so by the City of Granite Shoals to provide a public display of fireworks.
- (2) It shall not be an offense under Article V of this Code for any person to set off or use fireworks, as defined in Section 19-91 of this Code, on private property with the permission of the property owner, solely during the following dates and times:
- a. December 31st beginning at 1:00 PM until 1:00 AM on January 1st of the next calendar year; and
 - b. July 4th beginning at 1:00 PM until 1:00 AM on July 5th of the same calendar year.
 - c. It shall be an offense under Article V of this Code for any person to set off or use fireworks at any other time without the express permission of the City of Granite Shoals.”

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided,

however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

SECTION VII. PROPER NOTICE AND MEETING

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

PASSED AND APPROVED this 22nd day of June, 2021.

Will Skinner
Mayor

ATTEST:

Elaine Simpson,
City Secretary

APPROVED AS TO FORM:

Joshua Katz,
City Attorney