

ORDINANCE # 04182024B

FIREWORKS ORDINANCE

AN ORDINANCE OF THE CITY OF NORMANGEE, TEXAS REGULATING THE USE AND SALE OF FIREWORKS WITHIN THE CITY LIMITS; PROVIDING FOR EXCEPTIONS; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) PER OFFENSE FOR VIOLATIONS; PROVIDING LIABILITY, REPEALING, AND SEVERABILITY CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Normangee desires to protect the safety, security, and peace of the citizens of Normangee; and

WHEREAS, the City Council of the City of Normangee, Texas recognizes the threat to public safety and property posed by permitting the unrestricted use or sale of fireworks within the City limits and its extraterritorial jurisdiction; and

WHEREAS, the City Council of the City of Normangee, Texas recognizes that permitting the unrestricted use of fireworks within the City limits and its extraterritorial jurisdiction can result in noise/sounds that may disturb or affect the health and well-being of the citizens of Normangee;

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

SECTION 1 - DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City hereinafter refers to the City of Normangee, Texas.

City Council refers to the City Council of the City of Normangee, Texas.

Fireworks means any composition or device designed to produce a visible or audible effect by combustion, explosion, deflagration or detonation, and that is defined as "special fireworks" or as "common fireworks".

Person means a natural or legal person, parent, guardian, association, firm, company, whether incorporated or unincorporated.

SECTION 2 - USE OF FIREWORKS

It shall be unlawful to light, spark, ignite, discharge, or in any way use fireworks within the City limits of the City of Normangee on any date or at any time **during a burn ban**.

It shall be unlawful to light, spark, ignite, discharge, or in any way use fireworks within the City limits of the City of Normangee on any date or at any time not specifically listed in this Ordinance under Section 3 – Exceptions.

SECTION 3 - EXCEPTIONS

Fireworks may be used during the following specific timeframes, provided the City of Normangee is not under a burn ban:

- (1) July 2nd and July 3rd: 12:00 PM (Noon) until 10:00 PM,
- (2) Independence Day/July 4th: 12:00 PM (Noon) until Midnight,
- (3) December 24th through December 30th: 12:00 PM (Noon) until 10:00 PM,
- (4) New Year’s Eve/December 31st: 12:00 PM (Noon) until Midnight,
- (5) New Year’s Day/January 1st: Midnight until 1:00 AM; 12:00 PM (Noon) until Midnight.

SECTION 4 - SALE OF FIREWORKS

It shall be unlawful to sell fireworks within the City limits of the City of Normangee, with no exceptions.

SECTION 5 - LIABILITY FOR DAMAGES

Nothing in this ordinance shall be construed as an assumption of liability by the City for any injuries to persons, pets, or property which may result from the use of fireworks within the City limits or its extraterritorial jurisdiction. A property owner who authorizes the use of fireworks on their property, and the individual engaged in the use of the fireworks, shall be fully liable, jointly and severally, for any injuries arising from the discharge of said fireworks.

SECTION 6 - PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each incident or individual occurrence shall constitute a separate offense.

SECTION 7 - REPEALING CLAUSE

All ordinances or resolutions, or parts thereof, previously adopted by the City Council in conflict with the provisions of the ordinance are hereby repealed.

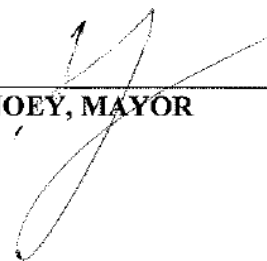
SECTION 8 - SEVERABILITY

If a section, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining portion of the Ordinance.


SECTION 9 - EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 18TH DAY OF APRIL, 2024.



TROY NOEY, MAYOR



ATTEST: SUNNY WOBIG, CITY SECRETARY