

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, REQUIRING A FIREWORKS ORDINANCE PROVIDING A PENALTY BY FINE FOR VIOLATION; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, not inconsistent with Texas state law, which are found to be necessary for the government, interest, welfare, and/or good order of the municipality as a body politic pursuant to *Texas Local Government Code* § 51.012 and other applicable provisions of Texas law; and

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to adopt ordinances, acts, laws, and/or regulations, licensing, and taxing pursuant to Tex. Local Gov't Code § 215.031; and

WHEREAS, the City Council finds and determines that the definition of *Fireworks* means any composition or device designated to produce a visible or audible effect by combustion, explosion, deflagration or detonation, and that is defined as “special fireworks” by 49 CFR 173.88(d) (1983) or as “common fireworks” by 49 CFR 173.100(r) (1983) so designated or by vote of the City Council within the City limits.

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

A. Discharge

- (1) It shall be unlawful to ignite or discharge any fireworks within or throw the same from a motor vehicle, nor shall any person place or throw any ignited fireworks into

or at a motor vehicle.

- (2) It shall be unlawful to discharge any fireworks within the City limits **except** for

June 24th through July 3rd from 8:00 a.m. until 10:00 p.m.

HOLIDAY - July 4th from 8:00 a.m. until 12:15 a.m.

December 20th through December 30th from 8:00 a.m. until 10:00 p.m.

HOLIDAY – December 31st from 8:00 a.m. until 12:15 a.m.

January 1st from 8:00 a.m. until 10:00 p.m.

These dates and times are only in effect provided there is no active burn ban in place, and reasonable judgement is exercised as not to create an unsafe or hazardous condition or nuisance to adjoining or surrounding property owners.

- (3) It shall be unlawful to throw or discharge or cause to be thrown or discharged any fireworks on any street, sidewalk or public place in the City limits.
- (4) **Violation.** Any violation of this ordinance shall be deemed a Class C misdemeanor, and convicted thereof shall be fined a sum not to exceed \$500.00 per violation. Each and every act constituting a violation hereof and each failure or refusal to comply with any provision shall be a separate offense and shall be punished as such.

B. Sale

It shall be unlawful to sell or offer for sale any fireworks within the City limits of Hallsville, TX.

C. Fireworks Prohibited; Exception for Organized Displays by Permit

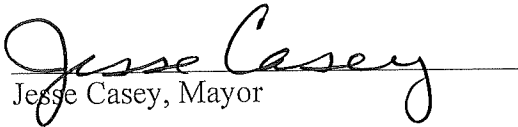
- (1) Civic organizations, religious organizations, public entities and community groups may sponsor fireworks displays open to the public and the community at large after securing the approval of the Mayor and receiving a permit for such a

public fireworks display.

General Provisions. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Effective Date. The provisions of this ordinance are effective as of the date of adoption of this ordinance, or upon the date that the publication requirements are met, whichever is later.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is the 19th day of April, 2022.


Jesse Casey, Mayor


Laura Welch, City Secretary