



**§ 2.04. Health and Police Powers.**

- (a) The Council shall have the power to provide for and/or own and regulate the following, but not to the exclusion of other powers:
  - (1) a solid waste collection and disposal system;
  - (2) a sanitary sewer utility or system;
  - (3) a water utility or system;
  - (4) an electric utility or system;
  - (5) a fire department;
  - (6) a police department;
  - (7) a health department;
  - (8) parks and playgrounds.
- (b) The Council shall have the power to define all nuisances and prohibit them within the Town and outside the Town limits for at least a distance of 5,000 feet.
- (c) The Council shall have the power to provide for fixing of penalties for failure of any person, firm, corporation or association to comply with any such rules and regulations so prescribed by the Council under the provisions of this section; it being the intention to vest in the Council not only powers expressly enumerated in this section but all other powers reasonably necessary for the protection of the health, safety and welfare of the Town and its inhabitants.



**§ 6.03.002. Enforcement; penalty.**

- (a) Penalty. Any person violating any of the provisions of this article shall be deemed guilty of a class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum in accordance with the general penalty provision found in section 1.01.009 of this code for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- (b) Injunction. If the governing body of the town determines that a violation of this article creates a threat to the public safety, the town may bring suit in the district court of the county in which the person who committed the offense resides or has an office to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity. The town is not required to give bond as a condition to the issuance of injunctive relief.
- (c) Seizure of illegal fireworks. The town's fire marshal, if any, duly sworn peace officers, or code enforcement officers, may seize illegal fireworks as defined by this article. Fireworks seized in enforcement of this article shall be kept in the custody of this seizing agent, the county fire marshal, or the sheriff of the county in which the fireworks were seized. The owner of the seized fireworks may file an action contesting the seizure in a district court in the county in which the fireworks were seized. If an action contesting the seizure is not filed by the thirtieth (30th) day after the seizure, the seizing agent shall destroy the fireworks.

(1999 Code, sec. 5.206)

**§ 6.03.003. Prohibitions.**

Except as otherwise specifically provided in this article, it shall be unlawful for any person to sell, offer to sell, or have in his possession with intent to sell, keep, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description within the town limits.

(1999 Code, sec. 5.202)

**§ 6.03.004. Exceptions.**

- (a) The prohibition contained in section 6.03.003 of this article shall not apply to toy pistols, toy canes, toy guns or similar devices in which paper caps containing 0.0025 grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than 0.0025 grains of explosive compounds, the sale and use of which shall be permitted at all times.
- (b) The prohibition contained in section 6.03.003 of this article shall not apply to signal flares or rockets for military or police use, nor shall section 6.03.003 apply to signal flares for use by motorists in distress.
- (c) The prohibition contained in section 6.03.003 of this article shall not apply to an



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authorized carrier engaged in the lawful transportation of fireworks.

(Ordinance 18-0628, sec. 2, adopted 6/28/18; Ordinance 22-0811A adopted 8/11/2022) § **6.03.005. Public displays.**

- (a) The only discharge, ignition, detonation or other display of fireworks permitted under this section shall be a public display of fireworks, as defined herein, conducted by the town or its duly appointed designee. All public displays shall be conducted in accordance with this article, as amended, chapter 2154 of the Texas Occupations Code, as amended, and all applicable rules and regulations adopted pursuant to chapter 2154.
- (b) In addition to compliance with the insurance requirements of Texas Occupations Code, chapter 2154, as amended, any designee appointed by the town to conduct a public display of fireworks shall furnish proof that he carries workers' compensation insurance for his employees as provided by the laws of the state. He shall also file with the town a certificate of insurance evidencing the carrying of public liability, personal injury, and property damage insurance in an amount not less than \$500,000.00 as to any one occurrence and \$1,000,000.00 aggregate, issued by an insurance carrier authorized to transact business in the state, for the benefit of the person(s) named therein as insured, and naming the town as an additional insured, as evidence of ability to respond in damages for at least the amount specified herein. Such policy must be approved by the town. In lieu of insurance, the person may file with the town a bond in the amount of \$500,000.00, issued by an authorized surety company approved by the town, conditioned upon the person's payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks, or any negligence on the part of the person or his agents, servants, employees or subcontractors in the presentation of the public display.
- (c) No public display of fireworks shall be of such a character and so located, discharged or fired as to be hazardous or dangerous to persons or property. Such determination shall be within the sole discretion of the town fire marshal.

(1999 Code, sec. 5.204)

§ **6.03.006. Private displays.**

- (a) The only discharge, ignition, detonation or other display of fireworks permitted under this section shall be a private display of fireworks, as defined herein, conducted by a person meeting the requirements of this section. All private displays shall be conducted in accordance with this article, as amended, chapter 2154 of the Texas Occupations Code, as amended, and all applicable rules and regulations adopted pursuant to chapter 2154.
- (b) In addition to compliance with the insurance requirements of Texas Occupations Code, chapter 2154, as amended, any person permitted by the town to conduct a private display of fireworks shall furnish proof that he carries worker's



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compensation insurance for his employees as provided by the laws of the state. He shall also file with the town a certificate of insurance evidencing the carrying of public liability, personal injury, and property damage insurance in an amount not less than \$500,000.00 as to any one occurrence and \$1,000,000.00 aggregate, issued by an insurance carrier authorized to transact business in the state, for the benefit of the person(s) named therein as insured, and naming the town as an additional insured, as evidence of ability to respond in damages for at least the amount specified herein. Such policy must be approved by the town. In lieu of insurance, the person may file with the town a bond in the amount of \$500,000.00, issued by an authorized surety company approved by the town, conditioned upon the person's payment of all damages to persons or property which shall or may result from or be caused by such private display of fireworks, or any negligence on the part of the person or his agents, servants, employees or subcontractors in the presentation of the public display.

- (c) No private display of fireworks shall be conducted without a permit issued by the town.
- (d) No private display of fireworks shall be of such a character and so located, discharged or fired as to be hazardous or dangerous to persons or property. Such determination shall be within the sole discretion of the town fire marshal.

(1999 Code, sec. 5.205)