

ORDINANCE NO. 297

AN ORDINANCE AMENDING ORDINANCE NO. 255; AN ORDINANCE PROVIDING FOR THE SALE AND USE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY OF SEVEN POINTS, TEXAS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A PENALTY FOR UNLAWFUL SALE OR DISCHARGE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY OF SEVEN POINTS, TEXAS; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF SEVEN POINTS, TEXAS:

WHEREAS, it is necessary to provide for fair and uniform Regulation of the Sale and Use of Fireworks in the City of Seven Points the following Chapter is hereby amended:

Chapter I

Section 3. Permit required to sell or display fireworks. It is unlawful for any person to engage in the retail sale of or to sell any fireworks or to hold, conduct, or engage in a public display of fireworks within the City without first having obtained a valid permit for each stand or display pursuant to the provisions of this Ordinance.

Section 5. Permit fees. The annual fee for a "seller's permit" for the sale of fireworks as may be authorized under this Chapter, shall be Five-Hundred Dollars (\$500.00) per year for each seller's stand payable in advance. The fee for a "public display permit" for the public display of fireworks shall be Two-Hundred Dollars (\$200.00) payable in advance.

Section 8. Application for seller's permit – conditions for issuance.

(e) The permit holder's location or place of business shall be only in zoning district B-2 as in defined in Ordinance No. 272, (Zoning Ordinance) enacted by the City of Seven Points on the 16th day of November 1999; provided, that the sale of those fireworks authorized herein shall not be deemed an enlargement of an existing nonconforming use.

(f) The applicant shall post with the City a performance bond or a cash deposit in an amount not less than Two-Hundred Dollars (\$200.00) conditioned upon the prompt removal of the temporary firework stand and cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the City. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the

stand by the tenth day (10) following the sales period and clean up all debris within twenty-four (24) hours following the sales period. Further, the applicant may be subject to a fine not to exceed \$200.00 a day for each and every day following the tenth (10) day after the end of the sales period for the removal of the temporary stand and/or the clean up of debris within twenty-four (24) hours after the end of the sale period.

Section 10. Standards for stands. All fireworks stands shall be temporary (no non-removable stands shall be allowed in the City of Seven Points). The temporary stands of all seller's permit holder shall conform to the following minimum standards and conditions: Each temporary stand shall measure twelve (12) feet by twenty-four (24) feet or a portion thereof. If a seller requires a temporary stand larger it will be considered a separate stand and require a separate permit.

Section 19. Severability. The provisions of this Chapter are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

Section 20. Penalty. Any person, firm or corporation violating any provision of this Chapter shall be fined not less than Five Dollars (\$5.00) nor more than Two Thousand Dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 21. Effective Date. This Ordinance shall become effective on the date of its signing.

Section 22. Repealing Clause. This Ordinance specifically amends Ordinance No 255; all ordinances and resolutions or parts of ordinances and resolutions that conflict herewith, be and the same are hereby repealed to the extent of such conflict only.

PASSED AND APPROVED BY THE SEVEN POINTS CITY COUNCIL THIS THE 18TH DAY OF DECEMBER, 2003.

APPROVED:

Gerald Taylor, Mayor

ATTEST:

Pat Lindberg, City Secretary