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**CITY OF SEVEN POINTS, TEXAS
PERSONAL FIREWORKS ON
DAY OF VFD DISPLAY**

NO. 347

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ORDINANCE 347

AN ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF SEVEN POINTS, TEXAS BY ADOPTING A NO PERSONAL FIREWORKS DISPLAY ORDINANCE WITHIN 1500 FEET OF CITY HALL ON THE DAY OF THE SEVEN POINTS VOLUNTEER FIRE DEPARTMENT'S FIREWORKS DISPLAY; PROVIDE FOR A PENALTY FOR VIOLATION; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; AND TO PROVIDE AN EFFECTIVE DATE.

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

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

CHAPTER 1

Section 1. Definitions. As used in this Chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **CITY means:** The City of Seven Points
- (2) **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**" by 49 C.F.R. Section 173.88(d) (1983), or as "**common fireworks**" by 49 C.F.R. Section 173.100(r) (1983).
- (3) **COMMON FIREWORKS means:** Any fireworks designed primarily to produce visual or audible effects by combustion.
 - (a) The term includes but is not limited to:
 1. Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
 2. Smoke devices;
 3. Fireworks commonly known as helicopters, aerals, spinners, roman candles, mines and shells;

4. Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the code of Federal Regulations (49 CFR 173.108).

(b) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

(4) **DANGEROUS FIREWORKS means:** Any fireworks not defined as a "common fireworks".

(5) **SPECIAL FIREWORKS means:** A large fireworks device designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and that is classified as a Class B explosive by the United States Department of Transportation.

Section 2. Use of fireworks unlawful. It is unlawful for any person to **Discharge** or **Use** any fireworks, common, dangerous, special or otherwise, within 1500 feet of City Hall on the day set aside for the annual fireworks display given by the Seven Points Volunteer Fire Department. (starting at midnight the day before the display begins until midnight the day the display ends)

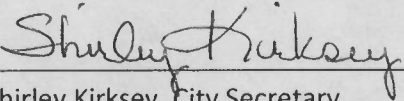
Section 3. Severability. The provisions of this Chapter are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications.


Section 4. Penalty. Any person, firm or corporation violating any provision of this Chapter shall be fined not less than Fifty Dollars and No Cents (\$50.00) nor more than Two Thousand Dollars and No Cents (\$2000.00) for each offense, and a separate offense shall be deemed committed on each fireworks displayed during or on day of which violation occurs or continues.

Section 5. Effective Date. This Ordinance shall become effective on the date of its signing.

PASSED AND APPROVED BY THE SEVEN POINTS CITY COUNCIL THIS 8TH DAY OF AUGUST 2013

ATTEST:


Shirley Kirksey, City Secretary


Kevin Pollock, Mayor

