

ORDINANCE NO. 18-0628

AN ORDINANCE AMENDING ARTICLE 6.03, "FIREWORKS," OF THE CODE OF ORDINANCES OF THE TOWN OF NORTHLAKE, TEXAS; ALLOWING THE DETONATION OF FIREWORKS IN CERTAIN SITUATIONS AND REGULATING SAID DETONATION AND THE USE THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE:

WHEREAS, the Town of Northlake, Texas is a Type A general law municipality located in Denton County, Texas created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code, Section 342.003(a)(8), the Town previously adopted regulations prohibiting the use of fireworks within the Town limits; and

WHEREAS, the Town Council of the Town of Northlake finds that the regulations previously adopted should be amended to allow property owners the ability to detonate fireworks in certain situations and on certain dates; and

WHEREAS, the Town Council finds that the proposed amendments to the applicable regulations related to fireworks are in the best interest of the public health, safety, and welfare of the Citizens of the Town of Northlake and the public; and

WHEREAS, the regulations adopted herein are intended to regulate the use of fireworks as permitted by Texas Local Government Code, Section 342.003(a)(8); and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1.

That Chapter 6, "Fire Prevention and Protection," Article 6.03, "Fireworks," Section 6.03.001, "Definitions," of the Code of Ordinances, Town of Northlake, Texas is hereby amended to add a definition of "Property" and "Restricted Fireworks" in alphabetical order to read as follows:

"Section 6.03.001 Definitions

...

Property. Private land area located within the Town limits. Property does not include streets or rights-of-way owned by the Town.

...

Restricted Fireworks. Those items classified under 49 C.F.R. Sec. 173.100(r)(2) (10-1-86 edition), as "skyrockets with sticks" and "missiles with fins."

..."

SECTION 2.

That Chapter 6, "Fire Prevention and Protection," Article 6.03, "Fireworks," Section 6.03.004, "Exceptions," of the Code of Ordinances, Town of Northlake, Texas is hereby amended to read as follows:

"Section 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 authorized carrier engaged in the lawful transportation of fireworks.
- (d) Notwithstanding anything in the International Fire Code adopted by the Town that provides otherwise, the prohibition contained in section 6.03.003 of this article shall not apply to the use of 1.4G, consumer fireworks (as defined in the U.S. Department of Transportation's Hazardous Materials Table) by an individual on Property under the direct supervision of an owner of the Property who is 18 years of age or older provided:
 - (i) that the use or discharge is performed on July 4 or December 31 between the hours of 6:00 p.m. and 11:59 p.m. on those dates;
 - (ii) that Restricted Fireworks are not used or discharged;
 - (iii) all debris resulting from the use of fireworks must be removed by the Property owner by 12:00 p.m. the day following the use or detonation;
 - (iv) that no burn ban has been ordered by the town, the mayor, the county commissioner's court, the Argyle volunteer fire district fire chief or the county fire marshal."

SECTION 3.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue to exist, shall be deemed a separate offense.

SECTION 4.

With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other

provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

SECTION 5.

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraph section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

SECTION 8.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, ON THIS THE 28th DAY OF JUNE, 2018.

Town of Northlake, Texas



Brian Montini

Peter Dewing, Mayor
BRIAN MONTINI - MAYOR PRO-TEM

Shirley Rogers

Shirley Rogers, Town Secretary