

**CITY OF PRESIDIO
ORDINANCE 2024-8
FIREWORKS REGULATION**

AN ORDINANCE FOR THE CITY OF PRESIDIO REGULATING THE SALE, POSSESSION, AND USE OF FIREWORKS INSIDE THE CITY LIMITS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE REPEALS ALL PREVIOUS ORDINANCES RELATED TO FIREWORKS; PROVIDING A PENALTY OF NOT MORE THAN \$2,000.00 FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Presidio, Texas is a type A General Law municipality created and operating under the laws of the State of Texas; and

WHEREAS, the City of Council of the City of Presidio (“City”) is authorized by Texas Government Code, Section 51.001, to adopt an ordinance that is for the good government, peace, and order of the City; and

WHEREAS, pursuant to Texas Local Government Code, Sections 342.003 and 217.003, and Texas Occupations Code, Section 2154.00, the City Council is authorized to regulate or prohibit the discharge of fireworks within the City; and

WHEREAS, the City Council finds that the use and discharge of fireworks pose a fire hazard and threat and risk of substantial harm to people and property; and

WHEREAS, the City Council finds that the adoption of regulations related to fireworks is in the best interest of the health, safety, and welfare of the City.

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

Section 1: Definitions.

Fireworks: means any device or combustible or explosive composition, or any substance or combination of substances, or article or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation. The term includes items commonly known as “firecrackers,” “Roman candles,” and “bottle rockets.”

Person: means any individual, corporation, organization, business, partnership, or other legal entity.

Section 2. Restrictions on the Sale, Use, and Discharge of Fireworks.

A. Subject to the exceptions provided in Section 3 below:

1. No person may sell fireworks within the Presidio city limits.
2. No person may use or discharge fireworks within the Presidio city limits.

Section 3. Exceptions.

- A. The restrictions in this Ordinance on the use or discharge of fireworks do not apply to the use or discharge of fireworks as part of a City-approved event.
- B. The restrictions on the use or discharge of fireworks in this Ordinance do not apply to:
 - 1. a toy pistol, toy cane, toy gun, or other device that uses paper or plastic caps in sheets, strips, rolls, or individual caps that contain no more than an average of twenty-five (25) hundredths of a grain of explosive composition per cap and that is packed and shipped under Title 49 Code of Federal Regulation, Part 173, as amended.
 - 2. Signal flares for police or military uses.

Section 4: Permits for Public Displays.

- A. Public fireworks display may be conducted only with a valid permit issued by the Presidio Fire Department.
- B. Permit applications must be submitted at least 30 days prior to the event and must include:
 - 1. A detailed site plan.
 - 2. Proof of insurance.
 - 3. Certification of a licensed pyrotechnic operator.
 - 4. Any other information reasonably necessary for the evaluation of the permit application.
- C. The Presidio Fire Department may impose conditions on the permit to ensure public safety.

Section 5: Enforcement and Penalties.

- A. A person commits an offense if the person sells, uses, or discharges fireworks within the Presidio city limits.
- B. A violation of this Ordinance is a Class C Misdemeanor offense punishable by a fine of not more than \$2,000.00 per offense.
- C. The Presidio Police Department is authorized to confiscate and dispose of opened packages, boxes, or containers of fireworks. However, pursuant to Texas Local Government Code 342.003 the Department will not confiscate packaged, unopened fireworks.

Section 6: Enforcement.

The Presidio Police Department and Fire Department are authorized to enforce this Ordinance.

Section 7: Incorporation of Recitals.

The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 11: Severability.

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 12: Repeal.

Any previous ordinance related to the sale, use, or discharge of fireworks in the city limits is hereby repealed in its entirety. The regulations set forth in this Ordinance supersede and prevail over any ordinance adopted prior to December 17, 2024, which is the adoption date of this Ordinance.

Section 13. Open Meeting.

It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 14. Effective Date.

This Ordinance shall take effect immediately upon its passage and approval by the City Council of the City of Presidio, Texas, and any publication requirements.

SECOND & FINAL READING PASSED & APPROVED this, the 17th of December, 2024 by the City Council of Presidio, Texas.

INTRODUCTION AND FIRST READING

November 4th, 2024

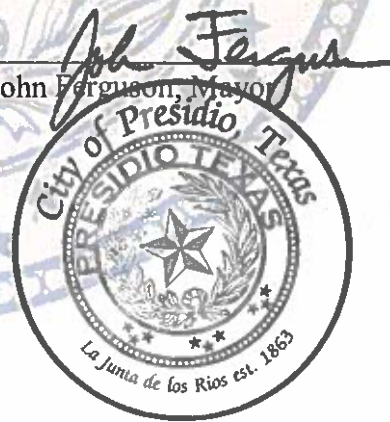
SECOND AND FINAL READING

December 17th, 2024

CITY OF PRESIDIO, TEXAS

By: _____

John Ferguson, Mayor



ATTEST:

By: _____

Brenda Lee Acuña, City Secretary

APPROVED TO AS FORM:

By: _____

Alan Bojorquez, City Attorney
Cynthia Trevino, Assistant City Attorney