

CITY OF JOSEPHINE, TEXAS

ORDINANCE NO. 2021-05-10-B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSEPHINE AMENDING ARTICLE 5.05 “FIREWORKS” OF THE CODE OF ORDINANCES; REGULATING FIREWORKS IN THE CITY; PROVIDING EXCEPTIONS FOR USE OF FIREWORKS; REQUIRING A PERMIT FOR PRIVATE DISPLAY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the regulation of fireworks in the City of Josephine is necessary in the interest of public safety and health.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSEPHINE THAT:

SECTION 1. Article 5.05 “Fireworks” of the Code of Ordinances of the City of Josephine is hereby amended in part as follows:

“Article 5.05 Fireworks

....

Sec. 5.05.003 Exceptions:

....

(3)

(A) July 3rd from 7:00 p.m. to 11:00 p.m.

(B) July 4th from 7:00 p.m. to 11:00 p.m.

(C) The exceptions shall be subject to the following:

(i) The exceptions shall not apply to any firework that travels more than ten feet (10’) in the air.

(ii) For an exception to apply, a water source and/or fire extinguisher shall be accessible within twenty-five feet (25’) of the discharge area.

(iii) It shall be unlawful for any person to block a public or private road for the purpose of discharging fireworks on the road.

....

Sec. 5.05.005 Permit for Private Display

To obtain a Permit for Private Display, a person shall:

1. provide public liability insurance, covering personal injury or death and property damage, in an amount of at least \$300,000.00, issued by an insurance company in good standing with the Texas Insurance Commission, for the display.
2. the display must be on private property of at least ½ acre in area.
3. the fireworks used in the private display may not exceed Fireworks 1.4G or be defined as not permissible under section 2154.003, Occupations Code, including bottle rockets or of a size not permitted by that section.
4. have a confirmed water source and/or fire extinguisher on site.
5. pay a permit fee of twenty-five dollars (\$25.00) and obtain a permit from the City after verification that the requirements of this section have been met.”

SECTION 2. That all ordinances of the City of Josephine, Texas, in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

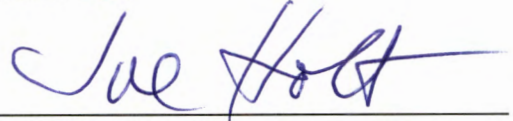
SECTION 4. Any person violating any of the provisions or terms of this ordinance shall be subject to a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 5. This ordinance shall take effect from and after its passage, and publication of the caption, as the law in such cases provides.

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Duly passed by the City Council of the City of Josephine, Texas, on the 10th day of May 2021.

APPROVED:



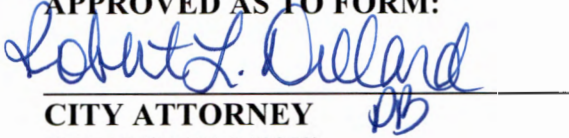
JOE HOLT, MAYOR

ATTEST:



PATTI BROOKS, CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY
(RLD/ 05/06/21)(122259)

