

City of Dripping Springs

Mercer Street Fireworks Prohibition Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, AMENDING CHAPTER 16 TO PROHIBIT THE POSSESSION, USE, SALE, OR DISCHARGE OF FIREWORKS WITHIN THE MERCER STREET HISTORIC DISTRICT; DECLARING SUCH ACTIVITIES TO BE A PUBLIC NUISANCE; PROVIDING FOR EXCEPTIONS, ENFORCEMENT, AND PENALTIES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mercer Street Historic District is a designated area of cultural, historical, and architectural significance in the City of Dripping Springs (“City”); and

WHEREAS, the use of fireworks poses a significant risk of fire, property damage, and disruption to the public peace, particularly in historically valuable districts; and

WHEREAS, the City Council finds it necessary to enact regulations that preserve the integrity and safety of the Mercer Street Historic District;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Dripping Springs:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 16 is amended by adding Article 16.05 to read in accordance with “**Exhibit A**”, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be added to Article 16.05 and any text that is struck through shall be removed.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 17th day of June, 2025, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

by: _____

Bill Foulds, Jr., Mayor

ATTEST:

Diana Boone, City Secretary

City of Dripping Springs

CODE OF ORDINANCES

CHAPTER 16. PUBLIC WAYS AND PLACES

ARTICLE 16.05: MERCER STREET FIREWORKS
PROHIBITION

DIVISION 1. GENERALLY

Sec. 16.05.001 Popular name

This article shall be commonly cited as the “Mercer Street Fireworks Prohibition Ordinance”.

Sec. 10.05.002 Definitions

- (a) General. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

- (b) Specific.

Fireworks. Includes any firecracker, cannon cracker, skyrocket, torpedo, Roman candle, sparkler, squib, fire balloon, star shell, gerb, or any article or substance used to produce a visible or audible pyrotechnic display, including novelty or trick noisemakers, unless explicitly exempted.

Mercer Street Historic District. The area having boundaries as established in the historic district ordinance.

DIVISION 2. FIREWORKS REGULATION

Sec. 16.05.003 Prohibited Acts

It shall be unlawful for any person to manufacture, assemble, store, sell, offer for sale, transport, receive, possess, use, ignite, detonate, discharge, or otherwise set off any fireworks within the Mercer Street Historic District.

- (a) Each such act, or each separate firework if individually packaged or distinguished, constitutes a separate offense.
- (a) This prohibition applies regardless of whether the person intended to ignite the fireworks.

Sec. 16.05.004 Public Nuisance

Any violation of this Article is hereby declared to be a public nuisance. Fireworks found in violation shall be subject to immediate seizure and safe disposal by the Fire Chief, a peace officer, or any person designated by the city council to issue citations pursuant to Article 12.03 of the code enforcement citation issuance ordinance, or their designees.

Sec. 16.05.005 Exceptions

This Article does not apply to:

- (a) Pyrotechnic devices used by law enforcement; and
- (b) Public fireworks displays expressly permitted by the City and conducted under the supervision of a licensed pyrotechnician with prior approval by the Fire Chief and full compliance with state regulations.

DIVISION 3. VIOLATIONS AND PENALTIES

Sec. 16.05.006 Offense

Violations of this Article are subject to fines not to exceed \$2,000 per offense, as authorized by Section 54.001 of the Texas Local Government Code. Each day a violation occurs or continues constitutes a separate offense.

Sec. 16.05.007 Affirmative Defense

It is an affirmative defense to prosecution under this Article if the fireworks were stored in a locked glove compartment, trunk, or other secured area of a motor vehicle and not accessible to the driver or passengers.