

1 **THE CITY OF WOODCREEK**  
2 **ORDINANCE NO. 2023-01-10-04**  
3

4 **AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES**  
5 **AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 94 ("FIREWORKS");**  
6 **PROVIDING FOR PROHIBITIONS OF FIREWORKS.**  
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8 **WHEREAS** the City Council seeks to promote the health, safety and general welfare of the community by  
9 preventing death, injuries and property damage within the City limits; and

10 **WHEREAS** the City Council finds that the possession, use, manufacture, sale, offer for sale and discharge  
11 of fireworks will result in bodily injury, death, and property damage; and

12 **WHEREAS** the City Council finds that the indiscriminate use of fireworks constitutes a menace to life, limb,  
13 and health to the users and their associates, increases the hazard and loss by fires, and constitutes a common  
14 public nuisance, which should be prevented and abated by law; and

15 **WHEREAS** the City Council finds that the upon properly adopted rules and regulations that the use and  
16 sale of fireworks during limited times of the year can be safely accomplished; and

17 **WHEREAS** pursuant to Texas Local Government Code section 217 the City Council has the express  
18 authority to prevent and abate any nuisance within the limits of the municipality; and

19 **WHEREAS** pursuant to Texas Local Government Code section 217 the City Council has the express authority  
20 to have any nuisance removed at the expense of the owner of the nuisance or the person who owns the property  
21 on which the nuisance exists; and

22 **WHEREAS** pursuant to Texas Local Government Code section 54 the City Council has the express authority  
23 to enforce local ordinances and to prescribe penalties for the violation of those ordinances in accordance with the  
24 guidelines of that section; and

25  
26 **WHEREAS**, the City council of the City of Woodcreek finds that adoption of the regulations and  
27 amendments to the City's Code herein is in the best interest of the citizens of Woodcreek.  
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29 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS:**

30 **SECTION I. CODE AMENDMENT:** The City Code of Ordinances Title IX, Chapter 94 is hereby amended by  
31 deleting Sections 94.03 through 94.04 and replacing said sections with the following sections:  
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33 **94.03 DEFINITIONS.**

34 For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates  
35 or requires a different meaning.

36 *Fireworks.* Any firecrackers, Roman candles, sparklers, sky lanterns, or any other substance or device  
37 which is intended for use in obtaining visible or audible pyrotechnic display, and such term shall include  
38 all articles or substances within the commonly accepted meaning of fireworks, whether herein  
39 specifically designated and defined or not.

40 *Person.* Any natural person, association of persons, partnership, corporation, agent or officer of a  
41 corporation.

42 **§ 94.04 RESTRICTIONS AND RULES; AUTHORITY.**

43 (A) The sale and/or distribution of Fireworks within the corporate limits of the City is  
44 prohibited.

45 (B) It shall be unlawful for any person to ignite, detonate, discharge or fire any Fireworks  
46 within the City.

47 (C) Law Enforcement, the Fire Chief, and the Fire Marshal are granted the authority and are

48 responsible to enforce this Chapter.

49 (D) A sworn complaint may be filed in a court with appropriate jurisdiction charging that sale,  
50 distribution, igniting, detonating, discharging or firing of Fireworks has taken place; specifying  
51 the time, date, location and persons charged. This division shall not be construed as requiring  
52 such a complaint in order to enforce this chapter.

53 (E) A public display of Fireworks may be authorized by the County Fire Marshal when any adult  
54 person, firm, corporation or association has made a written application at least 10 days in  
55 advance of the date of the proposed display, it shall be the duty of the Fire Marshal to make an  
56 investigation as to whether the proposed display may be hazardous to property or dangerous to  
57 any persons and shall grant or deny the application based upon his or her findings.  
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60 **SECTION II. SEVERABILITY CLAUSE:** Should any of the clauses, sentences, paragraphs, sections or parts of this  
61 Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with  
62 jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.  
63 All provisions of this Ordinance are declared severable.

64 **SECTION III. CUMULATIVE CLAUSE:** This Ordinance shall be cumulative of all provisions of ordinances of the City  
65 except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which  
66 event the conflicting provision soft h such ordinances are hereby repealed.

67 **SECTION IV. REPEALER CLAUSE:**All Ordinances, Resolutions, or parts thereof, that are in conflict or inconsistent  
68 with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this  
69 Ordinance shall be and remain controlling as to the matters regulated, herein.

70 **SECTION V. SAVINGS CLAUSE:** The repeal or amendment of any ordinance or part of ordinances effectuated by  
71 the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue  
72 of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as  
73 affecting any right of the City of Woodcreek under any section or provisions of any ordinances in effect at the time  
74 of the passage of this Ordinance.

75 **SECTION VI. PROPER NOTICE AND MEETING:** It is hereby officially found and determined that the meeting at  
76 which this Ordinance was passed was open to the public as required and that public notice of the time, place and  
77 purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government  
78 Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

79 Effective as of final passage and any publication as required by law.

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81 **PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

82

83 by a \_\_\_\_\_ to \_\_\_\_\_ vote of the City Council of Woodcreek, Texas.

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WOODCREEK, TEXAS

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By: \_\_\_\_\_

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Jeff Rasco, Mayor

PLACE	92
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CITY SEAL	94
	95
HERE	96
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98 ATTEST:

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101 Suzanne J. Mac Kenzie, City Secretary

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103 APPROVED AS TO FORM:

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106 \_\_\_\_\_  
City Attorney's Office