

CITY OF SANCTUARY

P.O. Box 125

Azle, Texas 76098

817.221.6016

ORDINANCE NO. 75

**AN ORDINANCE REGULATING THE SALE OF FIREWORKS AND THE
DISPLAY OR PERFORMANCE OF FIREWORKS IN THE CITY OF
SANCTUARY, TEXAS; ESTABLISHING COMPENSATION FOR COSTS;
PROVIDING A PENALTY CLAUSE; PROVIDING THAT THIS
ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES;
PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AND
EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
SANCTUARY, TEXAS (HEREIN AFTER REFERRED TO AS THE "CITY").**

**SECTION I
SAFETY PROVISIONS**

1. There will be no discharge or use of fireworks if a burn ban is in effect in the City, unless such ban specifically exempts certain types of fireworks.
2. Fireworks will not be discharged or used on a City property or right of way or streets.
3. There will be an immediate source of water, such as a usable water hose or an appropriate fire extinguisher, available when fireworks are discharged.
4. Individuals under the age of sixteen (16) discharging or handling fireworks must be directly supervised by a responsible adult.
5. Fireworks shall not be discharged after 11 PM, except on New Year's Eve and the Fourth of July.

**SECTION II
SPECIFIC PROVISIONS**

1. Any person or entity proposing to operate a business or establishment, whether freestanding or in conjunction with anything else, for the sale of fireworks in the City of Sanctuary shall first obtain the following:

- a. A business permit obtained from the City and a fee for such permit in the amount of fifty dollars (\$50.00). This includes the costs of inspection as required in subsection d below.
 - b. Every such person or entity who maintains such an operation shall provide to the City proof of insurance in the amount of at least one hundred thousand dollars (\$100,000.00) for the protection of both the business and all those who might venture onto the premises of such business and for any surrounding area.
 - c. All such businesses shall keep on hand at all times a fire extinguisher of a type and kind judged by the Chief of the Volunteer Fire Department to be sufficient to meet normal emergencies at such location.
 - d. Anyone who obtains such a permit shall also make the premises available for the City Inspector prior to any opening of the facility and will pay whatever fees are required for such inspection to the City prior to opening.
 - e. A Texas Sales and Use Tax certificate listing the City of Sanctuary, Parker County, will be openly displayed on the location.
2. For any person or entity who wishes to have a display of fireworks within the City shall, prior to any such activity obtain the following:
- a. Obtain a permit for such activity from the City and pay a fee of one hundred dollars (\$100.00).
 - b. Every such person or entity who maintains such an operation shall provide to the City proof in insurance in the amount of at least two hundred fifty thousand dollars (\$250,000.00) for the protection of both the business and all those who might venture onto the premises of such business and for any surrounding area.
 - c. Provide to the City a copy of the license for the creating and operating such a display of fireworks by the agent putting on such display.
 - d. Obtain the written permission of all property owners or residents of property within two hundred (200) feet of the property used for such display.

(For the purposes of this ordinance, a fireworks display will be defined as one to which the public is invited either free of charge or for a gratuity.)

SECTION III PENALTY CLAUSE

Any person or entity who violates any provision of this Ordinance shall, upon conviction, be subject to a fine of not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that such violation is permitted to continue shall constitute a separate offense. The term "person" as used in this section shall include the owner, occupant, mortgagee, or vender in possession, assignee or rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly, or indirectly, in control of a building or tract of land.

SECTION IV
CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Sanctuary, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION V
SEVERABILITY CLAUSE

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

SECTION VI
EFFECTIVE DATE

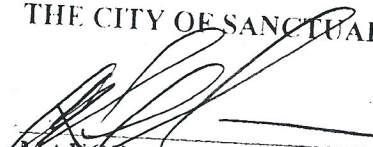
This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

Section VII

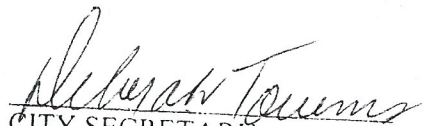
All ordinance and parts of ordinances in conflict with ordinance are hereby repealed to the extent of conflict with this ordinance. Ordinances 37 are repealed in their entirety.

PASSED AND APPROVED ON THIS 02 DAY OF May, 2013.

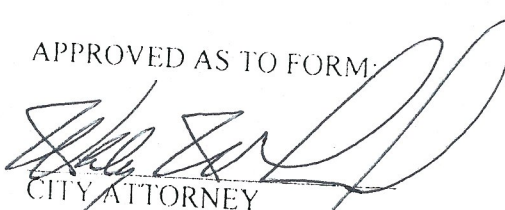
THE CITY OF SANCTUARY, TEXAS


MAYOR
CLIFF SCALLAN

ATTEST:


CITY SECRETARY
DEBORAH TOWNSLEY

APPROVED AS TO FORM:


CITY ATTORNEY
WALTER W. LEONARD