

**AN ORDINANCE OF THE CITY OF SEAGOVILLE**

**ORDINANCE NO. 37-16**

**AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 9, FIRE PREVENTION AND PROTECTION, ARTICLE 9.04, "FIREWORKS", OF THE CODE OF ORDINANCES BY AMENDING SUBSECTION 9.04.001 (A) TO PROHIBIT THE POSSESSION, USE OR DISCHARGE OF FIREWORKS WITHIN THE CITY; AMENDING SUBSECTION 9.04.001 (B) TO PROVIDE AN EXCEPTION FOR THE SALE OF FIREWORKS ON PROPERTY ZONED AS PLANNED DEVELOPMENT WITH LIGHT MANUFACTURING USES; AND ADOPTING A NEW SUBSECTION 9.04.001 (C) TO PROVIDE AN AFFIRMATIVE DEFENSE TO THE POSSESSION OF FIREWORKS FOR TRANSPORTING FIREWORKS IN A MOTOR VEHICLE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City of Seagoville desires to provide an exception to allow for the sale of fireworks in certain areas of the City; and

WHEREAS, the City Council further desires to amend its ordinance to prohibit the ignition, possession or use of fireworks within the City; and

WHEREAS, the City Council finds that it would be in the best interest of its citizens to amend Chapter 9, "Fire Prevention and Protection", Article 9.04 of Seagoville's Code of Ordinances as set forth below.

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

**SECTION 1:** Chapter 9, "Fire Prevention and Protection", Article 9.04, "Fireworks", Section 9.04.001 of Seagoville's Code of Ordinances is hereby amended as set forth below:

## "ARTICLE 9.04 FIREWORKS

### **Sec. 9.04.001 Sale; Display; Storage**

(a) No person, firm, corporation shall sell, offer for sale, display, barter or exchange, store, use, discharge, cause to be discharged, ignite, detonate, fire or have in their possession any fireworks, as defined by International Fire Code, adopted Article 9.03 Fire Code, Section 9.03.001 of the Code of Ordinance, within the jurisdiction limits of the City.

(b) The provisions of this ordinance as to sale or display shall not apply to the following:

(1) Property zoned as a Planned Development with allowable uses consistent with light manufacturing districts and a regulation allowing the sale, display and storage of the fireworks under specific conditions, including, but not limited to, a stand-alone structure with a minimum of 6,000 square feet, fire sprinkler system, and minimum liability insurance coverage of \$20,000,000.00 per occurrence, naming the City of Seagoville as an additional insured.

(2) Property contiguous on the north side of State Highway 175 which was annexed into the City after May 1, 2012. The provisions of this subsection shall expire on April 30, 2022.

(c) It shall be an affirmative defense to prosecution under this article for the possession of fireworks if:

(1) The defendant was operating or was a passenger in a motor vehicle that was being operating in a public place; and

(2) the fireworks were not in the passenger area of the vehicle.”

**SECTION 3:** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 4:** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, paragraph, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 5:** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6:** That any person violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

**SECTION 7:** This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED** by the City Council of the City of Seagoville, Texas, this the 19th day of December, 2016.

**APPROVED:**



DENNIS K. CHILDRESS, MAYOR

**ATTEST:**

  
CHRISTIE WILSON, INTERIM CITY SECRETARY



**APPROVED AS TO FORM:**

*Alexis G. Allen*

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ALEXIS G. ALLEN, CITY ATTORNEY