
City of Kress, Texas

Ordinance No. 20250617

An Ordinance Regulating the Use of Fireworks Within City Limits and Requiring Special Permits for Use on Designated Holidays

WHEREAS, the City Council of the City of Kress recognizes the potential hazards posed by the use of fireworks, including risks of fire, injury, and disturbance to the peace and quiet of residents; and

WHEREAS, the City Council seeks to balance the enjoyment of fireworks during certain holidays with the need to ensure public safety and protect property; and

WHEREAS, the regulation of fireworks use through a permitting process will promote responsible use and minimize risks to the community;

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

Section 1. Purpose

The purpose of this ordinance is to regulate the discharge, ignition, or use of fireworks within the city limits of Kress, Texas, to ensure public safety, prevent property damage, and maintain the quality of life for residents, while allowing limited use of fireworks under special permits on designated holidays.

Section 2. Definitions

For the purposes of this ordinance:

1. **Fireworks** shall mean any composition or device designed to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, as defined by Texas Occupations Code § 2154.001.
2. **City Limits** shall mean the incorporated municipal boundaries of the City of Kress, Texas.
3. **Designated Holidays** shall mean:
 - o New Year's Eve (December 31) from 6:00 PM to 1:00 AM on January 1.
 - o Independence Day (July 4) from 6:00 PM to 11:00 PM.
 - o Other holidays as may be designated by the City Council through resolution.
4. **Special Fireworks Permit** shall mean a permit issued by the City of Kress authorizing the use of fireworks on a designated holiday, subject to the conditions set forth in this ordinance.

Section 3. General Prohibition

Except as provided in this ordinance, it shall be unlawful for any person to ignite, discharge, or use any fireworks within the city limits of Kress, Texas, at any time.

Section 4. Special Fireworks Permit

1. **Permit Requirement:** A special fireworks permit shall be required to discharge fireworks within the city limits on designated holidays.
2. **Eligibility:** Any person 18 years of age or older who is a resident of the City of Kress or owns property within the city limits may apply for a special firework permit.
3. **Application Process:**
 - o Applications for a special fireworks permit shall be submitted to the City Secretary or designated official at least ten (5) business days prior to the designated holiday.
 - o The application shall include:
 - The applicant's name, address, and contact information.
 - o A non-refundable application fee of \$5.00 shall accompany the application to cover administrative costs.
4. **Review and Approval:**
 - o The City Fire Chief or designated official shall review the application to ensure compliance with this ordinance, state law, and safety standards.
 - o The Fire Chief may impose additional conditions, such as requiring a fire extinguisher or water source on-site, to mitigate risks.
 - o Permits shall be issued or denied within five (5) business days of application submission. Denials shall be accompanied by a written explanation.
5. **Permit Conditions:**
 - o Fireworks may only be discharged during the hours specified for the designated holiday.
 - o Fireworks shall not be discharged inside the fenced areas of the Kress Rodeo grounds or inside the fenced area of the City of Kress little league baseball park south of the rodeo grounds.
 - o The permit holder shall ensure that all fireworks debris is cleaned up and disposed of properly before leaving the grounds.
 - o The permit is non-transferable and valid only for the date, time, and location specified.
6. **Revocation:** A permit may be revoked by the City Fire Chief or Code Enforcement official or county Sheriff if the permit holder violates any condition of the permit or if weather conditions (e.g., high winds or drought) create an unsafe environment.

Section 5. Exemptions

1. This ordinance shall not apply to public fireworks displays conducted by licensed pyrotechnic operators, provided such displays are approved by the City Council and comply with state and federal regulations.
2. Novelty items such as sparklers, party poppers, and other Class C fireworks classified as "non-explosive" under Texas law may be used without a permit, provided they are used in a safe manner and do not create a public nuisance.

Section 6. Enforcement and Penalties

1. **Violation:** Any person who discharges fireworks within the city limits without a valid special fireworks permit, or who violates the conditions of a permit, shall be guilty of a misdemeanor.
2. **Penalties:**
 - o A fine not to exceed \$500 per violation.
 - o Confiscation of fireworks by law enforcement or the Fire Chief.
 - o Revocation of any existing permit.
3. **Civil Remedies:** The City may pursue injunctive relief or other civil remedies to prevent or abate violations of this ordinance.
4. **Parental Responsibility:** The parent or guardian of a minor who violates this ordinance may be held liable for fines and penalties.

Section 7. Appeals

Any person denied a special fireworks permit may appeal the decision to the City Council by submitting a written request to the City Secretary within five (5) business days of the denial. The City Council shall hear the appeal at its next regular meeting and render a final decision.

Section 8. Severability

If any provision of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall continue in full force and effect.

Section 9. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 10. Effective Date

This ordinance shall take effect immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Kress, Texas, on this [Insert Day] day of [Insert Month], [Insert Year].

Mayor, City of Kress

ATTEST:
