

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY OF DONNA, TEXAS AMENDING ORDINANCE NO. PL-2013-07-164, PROHIBITING THE SALE, LIGHTING, DISCHARGE OF FIREWORKS, ENFORCEMENT OF ORDINANCE, ALLOW FOR THE PUBLIC DISPLAY OF FIREWORKS WITHIN THE CITY LIMITS, ALLOW THE DISCHARGE OF FIREWORKS ON EVE OF 4TH OF JULY AND 4TH OF JULY, ALLOW DISCHARGE OF FIREWORKS ON NEW YEARS EVE AND NEW YEARS DAY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERITY; PROVIDING FOR PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, the City of Donna is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government code Section 51.002(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

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

PART 1: That Ordinance No. PL-2013-07-164 is hereby amended by amending Sections II and IV to read as follows:

Section II: Lighting and discharge

Delete: ~~The lighting and/or discharge of fireworks or weapons within the city limits Donna is hereby prohibited.~~

Add: No person, firm or corporation shall light and/or discharge fireworks within the city limits of Donna and is hereby prohibited, except on the Eve and day of the 4th of July and Eve and Day of the 1st of January. No bottle rockets shall be lighted and/or discharged within the city limits of Donna.

Section IV: Permits

Add:

- 1.) Any business referred to in Section 3 that wishes to sell fireworks during the one year period shall be required to obtain a permit from the City of Donna for each individual location. Permit fee shall be \$500 per firework stand at any location. Permit is to be obtained from City Inspector upon providing liability insurance of a minimum of \$1,000,000.00 coverage. No permit shall be issued if the Fire Chief, County Marshall or State of Texas issues a burn ban.
- 2.) A permit for a public event display of fireworks shall be issued by the City Inspector, after examination of the proposal by the City Fire Chief, Police Department, Planning Department and approved by the City Council. No such permit shall be issued if it appears from the information available to the Fire Chief and to the City Council that there are substantial dangers to people or property, due to the location, the fireworks proposed to be used or the procedures proposed to be used. Permit is to be obtained from the Fire Chief upon providing proof of liability insurance of a minimum of \$1,000,000.00 coverage.

Section X:

Effective date will be immediately upon its passage and execution in accordance with the Charter of the City of Donna and otherwise by law.

PASSED and APPROVED by the Donna City Council upon first reading on this the 5th day of April 2016.

PASSED, APPROVED and ADOPTED upon second and final reading on this the 3rd day of May 2016.



Irene Muñoz
Irene Muñoz
Mayor

ATTEST:

Martha Alvarado
Martha Alvarado
City Secretary

APPROVED:

Eddy Trevino
Eddy Trevino
City Attorney



Firework Stand Permit Application

Name of Stand: _____

Stand Location: _____

Type of Stand a(n) (please check one): ☐ Individual ☐ Partnership ☐ Corporation

Owners Name: _____

Owners Business Address: _____

Owners Home Address: _____

Owners Phone Number: _____

Attachment for review:

☐ Application

☐ Liability Insurance (minimum \$1,000,000.00)

☐ Site Plan

Fee: \$500.00 per firework stand at any location

I hereby state that the above information is true and correct. I understand that this application is a matter of public record and information herein will be available to the public. I fully understand and agree that failure to provide requested information or providing false information for this application can and will result in denial, suspension or cancellation of registration. I hereby acknowledge that I have read a copy of the City Ordinance 2016-07 attached hereto and understand and agree to the causes for denial, suspension or cancellation of this registration.

Signature: _____

Name (printed): _____

Date: _____

STATE OF TEXAS

COUNTY OF HIDALGO

Subscribed and sworn to and before me on this the _____ day of _____ 20_____

Notary Public

For Office Use Only

Burn Ban: ☐ Yes ☐ No (if yes permit will not be issued)

Received: _____ Date: _____

Reviewed: _____ Date: _____

Approved: _____ Date: _____