

**ORDINANCE NO. 150**

**AN ORDINANCE BANNING THE SALE OF FIREWORKS IN THE CITY OF UHLAND CALDWELL/HAYS COUNTY, TEXAS; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS;**

**THIS ORDINANCE IS ADOPTED UNDER AUTHORITY OF THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS**

**SECTION I: SHORT TITLE:**

This ordinance shall be known as The Fireworks Ordinance of the City of Uhlend.

**SECTION II: DEFINITIONS:**

In this article:

*Fireworks* means any composition or device designed to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, except:

- (1) Toy pistols, toy guns, or other devices that use paper or plastic caps manufactured in accordance with regulation of the U.S. Department of Transportation, and that are packed and shipped in accordance with regulations of that department;
- (2) Model rockets and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;
- (3) Novelties and trick noise makers;
- (4) Pyrotechnic signaling devices or distress signals designed for marine, aviation, or highway use;
- (5) Blank cartridges used or intended for signal or ceremonial purposes in athletic, military, or veterans' organization events; or
- (6) Explosive charges designed, manufactured, and intended for industrial, construction, or building demolition use.

*Illegal fireworks* means fireworks offered for sale under circumstances or in a place where the sale or possession of fireworks is prohibited by this article.

*Person* means an individual or entity, including an owner, manager, officer, employee, or occupant.

**SECTION III. PROHIBITED ACTS:**

A person may not sell or offer for sale fireworks to the public or any person, at wholesale or retail, within the city limits.

**SECTION IV. PENALTIES:**

- (a) A person commits an offense if the person knowingly or intentionally violates Section III of this article.
- (b) An offense under this section is punishable by a fine not to exceed \$2,000.00.
- (c) Each day that a violation occurs or continues, constitutes a separate offense.

**SECTION V. CONFLICTS:**

Where any provision of this Ordinance conflicts with the statutes, codes or laws of the United States of America or the State of Texas, the most restrictive shall apply unless otherwise required by law.

**SECTION VI. SEVERABILITY:**

Should any section or portion of any section hereof be decreed to be invalid, the invalidity of any such section or portion thereof shall not affect the validity of the remaining portions of the Ordinance, and each section and each portion thereof not decreed to be invalid shall remain and be fully enforceable.

**SECTION VII. EFFECTIVE DATE:**

This Ordinance shall become effective upon its passage, approval and publication as provided for by law by the City Council.

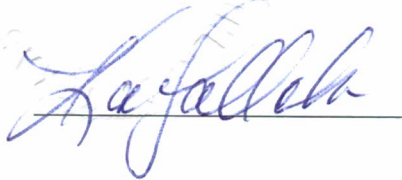
PASSED AND APPROVED by the City Council of the City of Umland, Texas on this the 2 day of April, 2014 4 ayes, 0 nays, 0 abstained.

THE CITY OF UHLAND, TEXAS.

Signed by:  
Mayor, Glenn Smith

  
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Attest:  
City Administrator, Karen Gallaher

  
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