

**ORDINANCE NO. 2016-01-19**

**AN UPDATED ORDINANCE AMENDING ORDINANCE NO. 2010-03-16-2, SECTION 4, THE SALE AND DISCHARGE OF FIREWORKS WITH-IN THE CONFINES OF THE CITY OF PAYNE SPRINGS, TEXAS.**

Be it ordained by the City Council of the City of Payne Springs, Texas.

**Section 1.** This ordinance is hereby decreed to be incorporated 84 (R) HB 1150-House Committee Report version-Bill Text, a Bill to be entitled AN ACT.

**Section 2.** Relating to the sale of fireworks on and before certain holidays; affecting a provision subject to a criminal penalty. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

**Section 3.** Section 2154.202, Occupations Code, is amended by amending Subsection (G) and adding Subsection (H) to read as follows:

(G) Except AS PROVIDED BY SUBSECTION (H), A retail fireworks permit holder may sell fireworks only to the public, and only during periods:

- (1) Beginning June 24 and ending at midnight on July 4;
- (2) Beginning December 20 and ending at midnight on January 1 of the following year; and
- (3) Beginning May 1 and ending at midnight on May 5 if the fireworks are sold at a location that is not more than 100 miles from the Texas-Mexico border and that is in a county in which the commissioners court of the county has approved the sale of fireworks during the period.

(H) In addition to the periods during which the of fireworks is authorized under Subsection (G), the commissioners court of a county by order may allow a retail fireworks permit holder to sell fireworks in that county only to the public and only during one or more of the following periods;

- (1) Beginning February 25 and ending at midnight on March 2;
- (2) Beginning April 16 and ending at midnight on April 21; and
- (3) Beginning the Wednesday before the last Monday in May and ending at midnight on the last Monday in May.

**SECTION 4.** Section 352.051 (b) (1), Local Government Code, is amended to read as follows:

- (1) The Texas Forest Service in the ordinary course of its activities shall determine whether drought conditions, as defined under Subsection (a) (2), exist on average in any county requesting such a determination. The Texas Forest Service shall make available the measurement index guidelines used to determine whether drought conditions exist in a particular area. Following any determination that such drought conditions exist, the Texas Forest Service shall notify said county or counties when such drought conditions no longer exist. The Texas Forest Service shall make its services available each day during the **Texas Independence Day, San Jacinto**

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**Day, Cinco de Mayo, Memorial Day, Fourth of July, and December** fireworks seasons to respond to the request of any county for a determination whether drought conditions exist on average in the county.

**SECTION 5.** Section 352.051 (d), Local Government Code, is amended to read as follows:

(d) To facilitate compliance with an order adopted under Subsection (c), the order must be adopted before;

- (1) February 15 of each year for the Texas Independence Day Fireworks season;
- (2) April 1 of each year for the San Jacinto Day fireworks season.
- (3) April 25 of each year for the Cinco de Mayo fireworks season.
- (4) May 15 of each year for the Memorial Day fireworks season.
- (5) June 15 of each year for the July 4 fireworks season.
- (6) December 15 for each year for each December fireworks season.

PASSED AND APPROVED THE 19<sup>TH</sup> DAY OF JANUARY, 2016

APPROVED:

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RODNEY RENBERG, MAYOR

Attest:

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KAREN JUICA, CITY SECRETARY