

ORDINANCE NO. 2024-

AN ORDINANCE AMENDING SECTION 46-153, ENTITLED "EXCEPTIONS" OF ARTICLE VI, ENTITLED "FIREWORKS" OF CHAPTER 46, ENTITLED "FIRE PROTECTION AND PREVENTION" OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY TO PERMIT LIMITED FIREWORKS DURING THE NEW YEAR'S HOLIDAY AND INDEPENDENCE DAY HOLIDAY, PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That Section 46-153, entitled "Exceptions" of Chapter 46, entitled "Fireworks" of the League City Code of Ordinances is amended to read as follows (additions, ~~deletions~~):

**Sec. 46-153. Exceptions.**

The general prohibitions as set forth in section 46-152 of this article shall not apply to the following:

- (a) ~~Section 46-152 shall not apply to~~ certain toy devices identified as (i) toy pistols, toy canes, toy guns, or similar devices in which paper caps containing 0.0025 grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and (ii) toy paper pistol caps which contain less than 0.0025 grains of explosive compounds, the sale and use of which shall be permitted at all times.
- (b) It shall not be unlawful, upon a permit issued by the city fire marshal, for any person engaged in any organized play, legitimate theatrical performance, circus, or other show designed for the amusement and edification of the general public to use, discharge, or cause to be discharged and ignited fireworks as a part of an act, performance, play, or circus, so long as such person does not also engage in the retailing, wholesaling, selling, or distribution of any of such fireworks. The fire marshal shall cause to be made an investigation of each application made under this article to determine whether the use of such fireworks as proposed shall be of such a character that it may be hazardous to property or dangerous to any person; and he shall, in the exercise of reasonable discretion, grant or deny the application for such permit.
- (c) ~~Section 46-152 shall not apply to~~ signal flares and torpedoes of the type and kind commonly used by any railroads, which signal flares and torpedoes are received by and stored or transported by any railroad for use in railroad operation; ~~nor shall section 46-152 apply to any~~ marine signal flare or rocket which is transported or received or stored for use only as ship's stores; ~~nor shall section 46-152 apply to~~ signal flares or rockets for military or police use, ~~nor shall section 46-152 apply to~~ signal flares for use by motorists

in distress, ~~nor shall section 46-152 apply to~~ signal flares for use by fire department personnel.

- (d) ~~Section 46-152 shall not apply to~~ a person transporting Fireworks 1.4G by motor vehicles within the city limits.
- (e) ~~Section 46-152 shall not apply to~~ a person transporting Fireworks 1.3G by motor vehicle as long as the person only travels through the city limits using only use approved hazardous materials routes, as approved by the Texas Department of Transportation, unless permitted by the State of Texas.
- (f) a person 18 years of age or older who has received a permit from the City to discharge fireworks during the New Year's Holiday and the Independence Day Holiday.

(1) Discharge Time. With a permit, fireworks may only be discharged during the following times:

- i. For the New Year's Holiday: between Sunset on December 31st to 1:00am on January 1st.
- ii. For the Independence Day Holiday: between Sunset on July 4th to 1:00am on July 5<sup>th</sup>.
- iii. "Sunset" shall mean the time of sunset as determined by the National Oceanic & Atmospheric Administration (NOAA) for League City.
- iv. All annual permits will expire at 1:00am on January 1<sup>st</sup> of each year.

(2) Authorized Fireworks. Only Fireworks 1.4G will be allowed to be discharged with a permit.

(3) Discharge Conditions. Each person discharging fireworks under a permit must comply with the following conditions:

- i. There shall be no structure, vehicles, or person within a 25-foot diameter of the discharge location.
- ii. Fireworks must be discharged on a non-combustible surface of sufficient size to contain the entire portion of the ground display.
- iii. No more than 25 people can be at the location listed on the permit at the time the fireworks are discharged unless approved by the City of League City Fire Marshal's Office
- iv. The person with the permit shall be responsible for cleaning and removing all firework debris.
- v. The person with the permit shall comply with all Texas Department of Insurance Requirements.
- vi. The person with the permit shall not be under the influence of an intoxicating substance.

- vii. The person with the permit shall have an extinguishment device (ex. minimum of 5-gallon bucket of water, minimum of 5lb ABC fire extinguisher, and/or an operational water hose) readily available at the site of firework discharge.
- viii. Discharged fireworks shall be soaked in a bucket of water for several hours, prior to disposing of the debris in a trash can.

(4) Prohibited Locations for Fireworks Discharge. Even with a permit, fireworks shall not be discharged at the following locations:

- i. Multi-family residential complexes (ex. Apartment complexes).
- ii. Within 600 feet of any church, hospital other than a veterinary hospital, an asylum, a licensed childcare center, or a public or private primary or secondary school or institution of higher education unless person received authorization in writing from that organization and such authorization shall be submitted at the time of permit application submission.
- iii. Within 100 feet of a place where flammable liquids or flammable compressed gasses are stored or dispensed.
- iv. Within 100 feet of a place where fireworks are stored or sold.

(5) Confiscation of fireworks. Any violation of these conditions may result in fines, cancellation of the permit, and/or confiscation of fireworks.

(6) Burn Ban. Regardless of a permit, a person may not discharge any fireworks when a burn ban is in effect and/or when the Keetch-Byram Drought Index (KBDI) exceeds 600.

Section 2. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 5. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 6. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective upon passage.

PASSED first reading the \_\_\_\_ day of \_\_\_\_\_, 2024.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NICK LONG  
Mayor

ATTEST:

\_\_\_\_\_  
DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHELLE L. VILLARREAL  
City Attorney