

**ORDINANCE NO.: 2012-D
(Amends Ordinance 2000-D)**

AN ORDINANCE FOR THE CITY OF LIVERPOOL, TEXAS PROVIDING THE PROHIBITION OF THE DISCHARGE OR SALE OF FIREWORKS IN THE CITY OR WITHIN 1500 FEET OF THE CITY LIMITS. ALLOWING THE USE OF RAILROAD FLARES AND PUBLIC FIREWORKS (PYROTECHNICS) DISPLAY UNDER POLICE SUPERVISION WITH PERMIT FROM THE CITY.

SECTION 1: STORE, MANUFACTURE OR DISCHARGE FIREWORKS

No person shall store, manufacture, discharge, cast, throw or fire any squid, rocket, fire cracker, torpedo, grenade, cap, cartridge, or any other combustible fireworks of any kind in the city limits. Nor shall any person exhibit or have in their possession with intent to give away, sell, or offer for sale with the city limits, or within 1500 feet of the city limits outside of the city any squid, rocket, fire cracker, torpedo, grenade or other combustible fireworks of any kind. This section shall apply to the sale of any such articles at wholesale to merchants conducting businesses with lie inside of the distance of 1500 feet from the city limits of the City of Liverpool or to the sale by any person for private or public demonstrations as provided for below.

SECTION 2: RAILROAD AND PHOTGRAPHIC SUPPLIES

Nothing in this section shall be construed to apply to the sale, storage or use of railroad track torpedoes or other signaling devices used by railroads. Nor to the sale, storage, or use of flashlight composition used by photographers or dealers in photographic supplies. Nor prevent any public or private demonstration or display of fireworks conducted under proper police supervision after the proper applications for permits are made, and permits issued by the City Council for such demonstration is granted. Such permits shall not be granted unless such demonstration or display shall be of such character, and so located, discharged or fired, as is the opinion of the City Council after proper inspection shall not be hazardous to property or endanger any person. Applications for a permit must be submitted with the city at least 45 days before the demonstration and must be reviewed by the Fire Marshall and the Police Department.

SECTION 3: PENALTIES

Any person convicted of discharging, or having in their possession any articles set forth in this ordinance shall be deemed guilty of a misdemeanor and shall be fined not less than one dollar (\$1.00) or more than five hundred \$500.00 upon such conviction.

SECTION 4: APPLICATION

The applicant for a firework/pyrotechnics display permit under this section shall, at the time of making the application furnish proof that they carry compensation insurance for

their employees as provided by the laws of the State; and they shall file with the Fire Marshall a certificate of insurance proving that they have public liability insurance in an amount not less than one million dollars (\$1,000,000.00) issued by an insurance carrier authorized to transact business in the State, for the benefit of the person(s) named therein as insured, as evidence of ability to respond in damages in at least the amount of one million dollars (\$1,000,000.00). Such policy to be approved by the Fire Marshall, conditioned upon the applicants payment of all damages to persons or property which shall or may result from or be caused by such public display of fireworks/pyrotechnics or any negligence on the part of the applicant or his agents, servants, employees, or subcontractors in the presentation of the public display. Permits shall not be transferable.

SECTION 5: SEVERABILITY

In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance of the application of the same to any person or circumstance shall, for any reason, be adjudged, invalid or held unconstitutional by any court of competent jurisdiction, it shall not affect or impair, nor invalidate this ordinance as a whole or any part of provision hereof other than the part so declared to be invalid or unconstitutional; and the City Council of the City of Liverpool, Texas declares that it would have passed each and every part the same notwithstanding the omission of any such part so declared to be invalid or unconstitutional, or whether there be one or more parts.

ORDNANCE NO.: 2012-D
PASSED AND APPROVED THIS 1st **DAY OF** April, **2012**



Bill W. Strickland, Mayor

ATTEST:



Raquel Fernandez, City Secretary