

**ORDINANCE NO. 2020-01**

**AN ORDINANCE AMENDING ARTICLE 5.04 "FIREWORKS" OF THE HUDSON OAKS CITY CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hudson Oaks, Texas is a Type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Article 5.04 of the Hudson Oaks Code of Ordinances currently prohibits the possession, sale, or use of fireworks within the City limits; and

**WHEREAS**, the City Council desires to amend Article 5.04 in its entirety to remove the restriction on the mere possession of fireworks to conform to state law, and to increase the insurance requirements for permitted public fireworks displays.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUDSON OAKS, TEXAS:**

**SECTION 1.**

That Article 5.04 "Fireworks" of the Hudson Oaks City Code is hereby amended in its entirety to read as follows:

**"ARTICLE 5.04 FIREWORKS**

**Sec. 5.04.001 Prohibited**

It shall be unlawful to use, sell, or offer at retail sale any fireworks within the corporate limits of the city.

**Sec. 5.04.002 Public displays**

It shall be an affirmative defense to section 5.04.001 that the sale, or use was for supervised public displays of fireworks by the municipality, fair associations, amusement parks and other organizations or groups of individuals, provided that a permit for such fireworks display has theretofore been applied for through the office of the city secretary and obtained from the fire marshal. The fire marshal shall have the power to adopt reasonable rules and regulations for the granting of such permits, to include but not be limited to the following:

(1) Applications for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privileges shall have been granted, sale, use, and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) The permittee shall furnish proof of liability insurance policy in coverage amounts of at least \$1,000,000 per person/incident, and at least \$1,000,000 in property damage conditioned for the payment of damages which may be caused either to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors."

**SECTION 2.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Hudson Oaks City Code, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

**SECTION 3.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

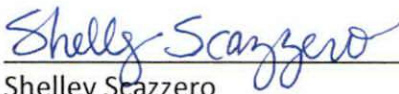
**SECTION 4.**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED ON THIS 23<sup>rd</sup> DAY OF JANUARY, 2020.**

  
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Brian Lixey, Mayor Pro-Tem

Attest:

  
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Shelley Scazzero  
City Secretary

