ORDINANCE NO. 2025-1

AN ORDINANCE AMENDING CHAPTER 8: OFFENSES AND ADDITIONAL PROVISIONS, ARTICLE 8.04 FIREWORKS, SEC. 8.04.001 DEFINITIONS, SEC. 8.04.002 DECLARATION OF NUISUANCE, SEC. 8.04.003 PENALTY, ADDITIONAL REMEDIES, SEC. 8.04.004 SALES OR USE OF FIREWORKS OF THE CODE OF ORDINANCES, CITY OF NAVARRO, TEXAS.

BE IT ORDAINED by the City council of the City of Navarro, Texas, that Chapter 8: Offenses and Additional Provisions, Article 8.04 Fireworks, Sec. 8.04.001 definitions, Sec 8.04.002 Declaration of nuisance, Sec. 8.04.003 Penalty; additional remedies, Sec. 8.04.004 Sale or use of fireworks of the City Code of Ordinances be amended to hereafter read as follows:

(attached)

PASSED AND APPROVED this 11th day of February 2025.

Vickie Farmer, Mayor

Attest:

Susanne Capehart, City Secretary

ARTICLE 8.04. FIREWORKS

§ 8.04.001. Definitions.

1) As used in this article.

Firearm- Any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance.

§ 8.04.002. Declaration of nuisance.

(a) Any condition prohibited by this article is hereby found and declared to be a public nuisance. Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this article.
(b) An offense is hereby specifically declared to be a nuisance if one causes, allows, or permits violation of the standards and regulations contained in this article.

8.04.003. Penalty; additional remedies.

(a) Whenever in this code or in any ordinance, resolution, or rule of the city an act is prohibited, or is made or declared to be unlawful, or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of any provision of this code or any ordinance, resolution, or rule shall be punished by a fine not exceeding $500.00; provided, however, that the violation of any provision of this code or any ordinance, resolution, or rule that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, shall be punished by a fine not exceeding $2,000.00 within the municipal court. Where the offense is one for which a penalty is fixed by state law, the penalty for such offense shall be the same as fixed by state law. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any code section, whether or not such penalty is reenacted in the amendatory ordinance.
(b) Except where otherwise provided in this code, each day any violation of this code or of any ordinance remains unabated shall constitute a separate offense. Any violation of any provision of this Code of Ordinances which constitutes an immediate danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the city for such purposes.
(c) In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication, and revocation of licenses or permits. The city retains all legal rights and remedies available to it pursuant to local, state, and federal law.

(d) City personnel maintain the right for any health and safety violations not corrected within seven (7) days of notice, or immediately for emergent health and safety issues, to enter the affected property for inspection and to make corrective actions. Costs for corrective actions will be the responsibility of the citizen owing or controlling the property on which the health and safety violation exists. The city retains all legal rights and remedies available to it pursuant to local, state, and federal law.

§ 8.04.004. Sale or use of fireworks.

It shall be unlawful for any person, firm, or corporation to sell, use, discharge, explode, or fire any fireworks within the city limits, with the following exceptions:

1) Public displays of fireworks may be held with written approval of the city council. The city council may impose any restrictions or make any requirements it deems necessary, if it sees fit to issue such approval; or
2) Signal flares or devices designated and used for the purpose of emergency warning, or by railroads as signal devices.