

#5

Guillermo Gandara Sr.
Mayor

Guillermo Madrid Jr.
At Large

Luis Varela
District 1



Gloria M. Rodriguez
District 2

Mary B. Garcia
District 3

Jesus Gandara Jr.
District 4/ Mayor ProTem

COPY
PRIOR TO APPROVAL

ORDINANCE NO. 246
AMENDMENT NO. 3

**AN ORDINANCE REGULATING THE PERMITTING, FEES,
LICENSING, PENALTIES AND INSURING OF EACH FIREWORKS STAND
SELLING OR OTHERWISE DEALING IN OR WITH FIREWORKS
WITHIN THE MUNICIPAL LIMITS AND WITHIN 5000 FEET OF
THE MUNICIPAL LIMITS OF THE CITY OF SOCORRO, TEXAS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO,
TEXAS, THAT;**

Ordinance 246, titled "An Ordinance Regulating the Permitting, Licensing, and Insuring of Each Firework Stand or Other Place Selling or Otherwise Dealing in or With Fireworks Within the Municipal Limits and Within 5000 Feet of the Municipal Limits of the City of Socorro, Texas" as amended by amendments 1 and 2, be and is hereby, amended and shall now read as follows:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOCORRO,
TEXAS, THAT;**

Section One:

All businesses, persons, or other entities selling or otherwise dealing in or with fireworks, other than those businesses, persons, or entity purchasing fireworks for their own use as consumers, situated within the City Limits or within 5000 feet of the municipal limits of the City of Socorro, Texas, shall comply with the terms of this ordinance. Each stand is defined as: (a) any permanent structure; or (b) non-permanent structure that is constructed on, independently transported, and separately placed at its location regardless of having been connected to any existing or other placed permanent or non-permanent structure. All structures shall strictly comply with all Texas Health and Safety Code and Texas Fire Codes regulating the construction, use, and operation of said structures.

COPY

PRIOR TO APPROVAL

The fees established by this Ordinance shall be in effect as of the _____ day of June, 2010, and shall apply to any stand now existing or to exist within 5000 feet of the municipal limits and within the municipal limits as a requirement for operation within 5000 feet of the municipal limits and within the municipal limits of the city of Socorro, Texas

COPY
PRIOR TO APPROVAL

Section Two:

Fireworks stand placement shall be restricted to the following locations; (a) within 5000 feet of the municipal boundaries of the City of Socorro, Texas; (b) within the municipal limits of the City of Socorro adjacent to Horizon Blvd, between Thunder Road and Interstate 10; (c) along the Gateway East Blvd within the Socorro municipal limits; (d) along Ranch Road 1110 within Socorro Municipal Limits, and (e) along Darrington Road within Socorro Municipal Limits.

Section Three:

Pursuant to Chapter 217, section 217.041 and Section 217.042, of the Texas Local Government Code, the sales of fireworks within 5000 feet of the municipal limits of the City of Socorro, Texas, is declared to be a common and public nuisance and shall be regulated by the City of Socorro, Texas. Said vendors shall comply with all state fire laws applicable to the sale and storage of fireworks.

Section Four:

The term fireworks or pyrotechnics means and includes any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes Roman candles, sky rockets, helicopter-type rockets, cylindrical fountains, cone fountains, wheels, illuminating torches and colored fire in any form, sparklers and dip sticks, mines, shells, firecrackers, salutes, whistles without report, squibs, a fire balloon, a hydrogen filled balloon, signal lights, blank cartridges, toy pistols, toy cannons, toy canes or goy guns in which explosives are used, torpedoes, dago bombs or other devices of like construction and any devices containing any explosive or flammable compound or any tablets or other devices containing any explosive substance. However, the term "pyrotechnics" does not include auto flares, paper caps containing not in excess of an average 0.25 of a grain of explosive content per paper cap manufactured in accordance with the regulations for packing and shipping as provided therein and toy pistols, toy canes, toy guns, or other devices for use of such caps, the sale and use of which shall be permitted. This Ordinance does not supersede any restrictions placed on the sale of fireworks by El Paso County, Texas, or by the State of Texas.

Section Five:

All licensing and inspection fees shall be paid to the office of the *Planning and Zoning Department* for the City of Socorro, Texas, at 860 N. Rio Vista Road, Socorro, Texas, 79927. All license(s) shall be issued to the applicant only after all requirements, including fire and safety inspections, have been met and properly documented. All fees required for fire and safety inspections, by Fire Marshal/Police/Code Enforcement, shall be paid to the City of Socorro at the time the license is issued.

COPY
PRIOR TO APPROVAL

COPY
PRIOR TO APPROVAL

City of Socorro, Texas
Ordinance No.246-3
Page 3

No person shall have, keep, store, or sell any fireworks or pyrotechnics within the City of Socorro municipal limits and within an area extending for a distance of 5,000 feet from the City limits for sale, unless such person shall have obtained a permit as provided herein. The application for such permit shall contain the specific location of the structure used to keep, store, or sell the fireworks or pyrotechnics and must also contain a blueprint or diagram showing the construction of such structure. A *permit fee of \$1,000 00 per stand* and a *fire and safety inspection fee of \$350 00*, for a total of \$1,350 00 per stand, will be assessed and collected before the permit is issued

If a license is lost the fee required to be paid for the issuance of a *replacement document is \$50.00*

The license shall expire after the passage of 60 days from the date of issuance.

Section Six:

All business, persons, or other entities selling or otherwise dealing in or with fireworks, other than those businesses or persons purchasing fireworks for their own use as consumers, within the municipal limits of Socorro, Texas, shall secure premises liability insurance in the amount of not less than \$1,000,000.00, and shall name the City of Socorro, Texas, as an additional insured, to protect against any losses suffered by the population directly caused by the operation of said ventures or incidents arising therefrom.

Section Seven:

Each business, persons, or other entity selling or otherwise dealing in or with fireworks shall clean and maintain the entire parcel of property from trash or fireworks debris upon which the fireworks stand is situated during the times that fireworks are sold and for a period of seventy-two hours after the stands are closed and fireworks are no longer to be sold by operation of state law

Section Eight:

The igniting of fireworks within the municipal limits of the City of Socorro, Texas, is prohibited unless approved by special permit authorized by the Socorro City Council

Section Nine:

It is the duty of the Socorro Police Department, Socorro Code Enforcement Officer and Fire Marshal to inspect all businesses, persons, or other entities selling or otherwise dealing in or with fireworks, and to cite those businesses, persons, or other entities not in compliance with this Ordinance, Building or other Codes adopted by the City of Socorro, or with the State and Local Fire Codes applicable to fireworks stands, within the municipal limits or within 5,000 feet of the municipal limits of the City of Socorro, Texas.

COPY
PRIOR TO APPROVAL

Section Ten:

Violation of this Ordinance is a misdemeanor, involving fire safety, public health and zoning, and is subject to a fine up to \$1,500,000. In addition to the fine imposed herein all fireworks or pyrotechnics offered for sale in violation of this Ordinance shall be seized and forfeited to the City of Socorro upon conviction or plea. The seized inventory may be purchased by the convicted defendant provided the defendant acquires a license in compliance with this Ordinance and subject to approval by the Municipal Court Judge. Each day that a business, person, or other entity remains in violation of this Ordinance constitutes a separate offense. This fine and penalty shall not apply to the violation of Section Eight of this Ordinance.

Section Eleven:

If any section of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

Section Twelve:

Prior Ordinances Repealed—Ordinance Number 019, entitled “An Ordinance Requiring the Licensing and Insuring of Each Firework Stand or Other Place Selling or Otherwise Dealing in or with Fireworks within the Town Limits of Socorro, Texas, Ordinance No. 020, entitled “An Ordinance Amending and Ordinance Requiring the Licensing and Insuring of Each Firework Stand or Other Place Selling or Otherwise Dealing in or with Fireworks within the Town Limits of Socorro, Texas, Ordinance No. 045, entitled “An Ordinance Requiring the Licensing and Insuring of Each Firework Stand or Other Place Selling or Otherwise Dealing in or with Fireworks within the Town Limits of Socorro, Texas Ordinance No. 78, entitled “An Ordinance Amending and Ordinance Requiring the Licensing and Insuring of Each Firework Stand or other Place Selling or Otherwise Dealing in or with Fireworks within the Town Limits of Socorro, Texas Ordinance No. 81, entitled “An Ordinance Prohibiting the Sale, Possession, Storage or Igniting of Fireworks within the Town Limits of the Town of Socorro and within 5,000 feet of its Boundary, Ordinance No. 85, entitled “An Ordinance Repealing, Ordinance No. 78 Regarding the Permitting of Fireworks Stands within the Town of Socorro, Texas, and Ordinance No. 115, entitled “An Ordinance Amending Ordinance No. 81 Prohibiting the Sale, possession, Storage, or Igniting of Fireworks within the City of Socorro and within 5,000 feet of its Boundary, and Ordinance No. 246 entitled “An Ordinance Regulating the Permitting, Licensing, and Insuring of Each Firework Stand or Other Place Selling or Otherwise Dealing in or With Fireworks within the Municipal Limits and Within 5,000 Feet of the Municipal Limits of the City of Socorro, Texas,” be and are hereby repealed and replaced with this Ordinance. Moreover, all Ordinances of the City of Socorro that conflict with this Ordinance are, to the extent of said conflict repealed hereby

COPY
PRIOR TO APPROVAL

Section Thirteen:

This Ordinance shall be in full force and effect immediately upon enactment by the City Council of the City of Socorro, Texas.

Section Fourteen:

That this Ordinance was duly enacted with all the requisites and formalities incident thereto the enactment of ordinances, and such is evidenced by the below signatures

COPY
SIGNED AND ENACTED this 10 day of June, 2010.
PRIORITY

COPY
Guillermo Caudara Sr.
Mayor
PRIORITY

ATTEST:

COPY
Gina Rodriguez, City Clerk
PRIORITY

APPROVED AS TO FORM:

City Attorney
PRIORITY

First Reading: _____
Second Reading: _____
COPY
PRIORITY



FIREWORKS LICENSE

In accordance with Ordinance 246-3, enacted by the Socorro City Council on **COPY** this License is issued to:
PRIOR TO APPROVAL

Name of Company: _____

Name of Contact Person: _____

Business Streets Address: _____

City: _____ State: _____

Telephone: _____ FAX: _____

Address of Fireworks Stand: _____

No. Stands at Location (each stand requires separate license and fee) _____

Signature of Owner/Operator: _____
COPY
PRIOR TO APPROVAL

This license is valid only for the location and structure described above and for sixty (60) days from date of issue. This license must be kept on the premises of the establishment and made available for inspection by personnel of the City of Socorro, Texas upon request.

Approved subject to compliance with all federal, state, and local codes

Issued this ____ day of **COPY**

City of Socorro, Texas **PRIOR TO APPROVAL**

By: _____
Director of Planning and Zoning **COPY**
PRIOR TO APPROVAL

COPY
PRIOR TO APPROVAL