

## **ORDINANCE NO 0-2025-003**

**AN ORDINANCE OF THE TOWN OF BROCK, TEXAS, PROHIBITING THE SALE OF FIREWORKS WITHIN THE TOWN LIMITS, INCLUDING THE TOWN'S EXTRATERRITORIAL JURISDICTION WITHOUT OBTAINING A PERMIT FROM THE TOWN; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A REPLEADING CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) PER OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Commission for the Town of Brock, Texas ("Town") desires to protect the health, safety, and welfare of the Town's residents by regulating the sale of fireworks with the territorial limits of the Town; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BROCK, TEXAS, THAT:**

**SECTION 1.** Regulations regarding the sale of fireworks within the Town, permit requirements for the sale of fireworks within the Town are hereby adopted for the Town of Brock, as follows:

**Sec. 1-1. Authority.**

This ordinance is adopted under the authority of the constitution and laws of the state.

**Sec. 1-2. Purpose of ordinance.**

The purpose of this ordinance is to provide for the orderly, safe, and healthful development of the area within the Town and within the area surrounding the Town and to promote the health, safety, morals, and general welfare of the community.

**Sec. 1-3. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Those words not expressly prescribed in this section are to be construed in accordance with customary usage in municipal planning practices.

*Fireworks* means a composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration or detonation.

*Permit* means a written permit or certification issued by the Town under the provisions of this chapter and regulations issued under this chapter.

*Person* means any natural person, corporation, limited liability company, trust, joint venture, association, company, partnership, governmental authority or other entity.

*Retail Firework Stand* means a structure from which fireworks are sold over the counter to members of the general public.

*Retail Sales Period* means the authorized period for the sale of the fireworks within the Town.

1. Independence Day season: from June 24 to midnight on July 4.
2. New Years Eve season: from December 20 to midnight on January 1 of the following year.

*Town* means the Town of Brock, Texas incorporated limits and the Town of Brock extraterritorial jurisdiction.

*Town Commission* means the Town Commission for the Town of Brock, Texas.

**Sec. 1-4. Permit Required.**

It shall be unlawful for any person to maintain or operate a retail firework stand or otherwise sell fireworks within the Town unless such person has first obtained a valid permit issued by the Town.

**Sec. 1-5. Permit Application; Fee.**

- a. A permit can only be applied for two weeks prior to an authorized sales period and expires immediately upon the end of each retail sales period.
- b. A permit application must be submitted on the Town's form and shall, at a minimum, include the following information:
  1. Name, address, phone number, email address, driver's license number, or identification card number and state of issuance of the person selling the fireworks;
  2. If the person selling fireworks is a partnership, the name of all the partners, the principal place of business address, and phone number for each partner;
  3. If person is a corporation, the person registering must state whether the corporation is organized under the laws of the state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the main individual in charge of the local office of such corporation, if any, and the names of all officers and directors and trustees of such corporation, and, if a foreign corporation, the place of incorporation.
  4. The location of the person selling fireworks will operate their retail firework stand;
  5. Proof of permission from landowner where the retail firework stand is located.
  6. Proof of license issued by the Texas Department of Insurance specifically allowing the sale of fireworks.
  7. A copy of Sales and Use Tax permit or proof of exemption.
  8. Any other information reasonably requested by the Town.

- c. A permit shall not be issued until the applicant has submitted the permit fee in conformance with the Town's fee schedule.
- d. The permit shall be posted in a conspicuous location at all times when the sale of fireworks is being conducted within the Town.

**Sec. 1-6. Suspension and Termination of Permit.**

- a. A permit terminates on the at the end of each authorized sales period and must be reapplied for every time a person wishes to sell fireworks within the Town during a retail sales period.
- b. No permit will be issued during a Parker County, Texas burn ban, if a permit has already been issued and a burn ban goes into effect before or during the retails sales period, the permit is suspended immediately.
- c. The Town Commission may revoke the permit issued for the violation of any of the provision of this Ordinance or state law.

**Sec. 1-7. Appeal Hearing**

Before a permit is revoked under the provisions of this Ordinance the Town Commission shall set a time and place for a hearing shall give the person who holds the permit at least five (5) calendar days written notice thereof, which shall be given by personal service to the person or person's authorized agent or by certified mail, return receipt requested. At such hearing the person shall be given the opportunity to be heard and to show cause why such license shall not be revoked. The Town Commission may uphold or revers the revocation of the permit by a majority vote. The Town Commission's determination shall be final.

**Sec. 1-8 Penalty; Enforcement.**

- a. Injunctive relief. Any person, firm or corporation who violates any provision of this ordinance, or fails to comply therewith, is subject to suit for injunctive relief as provided in V.T.C.A. Local Government Code Section 54.016, as amended, in a court of competent jurisdiction.
- b. Civil Penalty Authorized. In addition to any other enforcement authority provided by law, the Town Commission may, by written order, after holding a hearing, assess a civil penalty against a person as provided for herein for failure to comply with a notice or order issued by the Town Commission.
- c. Amount of Penalty. The civil penalty may be assessed in an amount not to exceed five hundred dollars (\$500.00) per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed ten dollars (\$10.00) per day for each violation.
- d. Notice of hearing for civil penalties. Note less than five days prior to the date on which a hearing to assess the civil penalties is set the person shall be served with a notice of the hearing by personal service or certified mail, return receipt requested.
- e. Copy of order filed with district clerk. After the civil penalty is assessed, the Town Mayor shall file with the district clerk of the county in which the property is located a certified copy of the order assessing the civil penalty stating the amount and duration of the penalty.

- f. Enforcement. The civil penalty may be enforced by the Town in a suit brought by the Town in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty. A civil penalty under this section is final and binding and constitutes prima facie evidence of the penalty in any suit. All remedies shall be and are hereby declared to be nonexclusive and the pursuit of one may be in addition to the pursuit of any others.
- g. Nothing in this ordinance shall be interpreted or construed as prohibiting the Town from enforcing the provisions contained herein by or through any other civil or criminal remedy allowed by law.

**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense. Every day that a violation occurs shall constitute separate offence.

**SECTION 5.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

**SECTION 6.** All provisions of the ordinances of the Town Brock, Texas in conflict with the provisions of this ordinance are hereby repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law in such cases provides.

**APPROVED AND ADOPTED** by the Town Commission of the Town of Brock, Texas this \_\_\_\_ day of June 2025.

By: *Jay Hamilton*  
Jay Hamilton, Mayor  
*Mayor Pro Tem*

**APPROVED AS TO FORM:**

*Sarah Walsh*  
Sarah Walsh, Town Attorney

