

**CITY OF CANEY CITY, HENDERSON COUNTY TEXAS**

**ORDINANCE NO: 2023-0001**

**Fireworks**

**AN ORDINANCE PROHIBITING THE DISCHARGE OR SALE OF FIREWORKS WITHIN THE CITY LIMITS OF THE CITY OF CANEY CITY, HENDERSON COUNTY, TEXAS AND PROVIDING A PENALTY FOR VIOLATIONS**

**WHEREAS**, the City Council of the City of Caney City ("City Council") seeks to protect the public safety, preserve the quality of life, and prevent nuisances in the City.

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

**SECTION 1. Offense**

- 1.1. The City Council finds it shall be unlawful for any person to cast, shoot, throw or fire any combustible fireworks of any kind within the City Limits of the City of Caney City, Henderson County, Texas.
- 1.2. No person shall exhibit or have in his possession, with the intent to give away or sell or offer for sale, any combustible fireworks of any kind within the City Limits of the City of Caney City, Henderson County, Texas.

**SECTION 2. Exceptions**

- 2.1. Mass fireworks displays under the supervision of Police and Fire Departments and approved by the City Council are allowed.
- 2.2. The Fire Marshal of Henderson County Texas ("Fire Marshal") currently permits fireworks sales during the following dates: February 25 and ending at midnight on March 2; April 16 and ending at midnight on April 21; the Wednesday before the last Monday in May and ending at midnight on the last Monday in May; June 24 and ending at midnight on July 4; December 20 and ending at midnight on January 1 of the following year.

On the dates when fireworks sales are permitted by the Fire Marshal, possession, and discharge of fireworks over the waters of Cedar Creek Reservoir, will be allowed; providing doing so does not endanger any persons or property, and is supervised by the owner of the property. If at any time the dates for permissible fireworks sales are changed by the Fire Marshal, the dates authorized in this Section shall align with those changed dates.

**SECTION 3. Penalty**

3.1. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed the sum of \$500.00.

**SECTION 4. Repeal**

4.1. This ordinance repeals Ordinance 22-83 and all other ordinances addressing the herein described conditions.

**SECTION 5. Severability**

5.1. It is hereby declared by the City Council of the City of Caney City that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

**SECTION 6. Public Notice and Meeting**


6.1. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public and was properly posted as required by law.


**SECTION 7. Effective Date**

7.1. This ordinance shall take effect immediately from and after its passage and publication, as provided by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CANEY CITY, TEXAS ON THIS 12<sup>th</sup> DAY OF October, 2023.**



  
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Steve Pine, Mayor

  
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Kayley McCullough, City Secretary