

ORDINANCE NO. 3922

AN ORDINANCE AMENDING CHAPTER 93.00 (FIRE PREVENTION AND PROTECTION; FIREWORKS) OF THE CODE OF ORDINANCES OF THE CITY OF LUFKIN, TEXAS; CREATING AN EXEMPTION AND REGULATIONS FOR OPERATING A BUSINESS SELLING FIREWORKS FOLLOWING UNILATERAL ANNEXATION OF AN EXISTING BUSINESS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS:

That the Code of Ordinances Chapter 93, Section 93.245 of the City of Lufkin, Texas, be and the same is hereby created so that the regulations for operating a business selling fireworks shall be as follows:

SECTION I.

CHAPTER 93, Section 93.245 Exemption to allow amortization of operation of a fireworks retail sale business in a permanent structure unilaterally annexed into the City of Lufkin.

(A) OPERATIONS AND PROPERTY SPECIFICATIONS

Property annexed into the City having a business selling fireworks shall have the following specifications and requirements in order to operate the business after a unilateral annexation:

- 1) A business shall only operate within the confines of a permanent structure with a minimum size of 1,000 square feet and not more than 5,000 square feet, located on a minimum of one acre;
- 2) Structures must be connected to a permanent slab and not of a temporary design;
- 3) Structures that are movable by mechanical or manual means are excluded from use;
- 4) Business hours shall be no earlier than 9 A.M. and no later than 12 P.M.;
- 5) There shall be no change in the scope of current operations; including the size of the structure, hours of operation or the sale of products on a retail basis;
- 6) Product sales are limited to retail sales, no manufacturing or distributor license operations are permitted;
- 7) An amortization plan shall be implemented immediately upon annexation to allow the use of the business for fireworks sales for a maximum of seven years, and eliminate the sale of fireworks at the end of the amortization plan term;
- 8) The maximum size of fireworks permitted to be sold shall be limited to Fireworks defined as Fireworks, 1.4G (Formerly Class C, Common Fireworks) as listed in the 2003 International Building Code;
- 9) At the conclusion of each sales season all residual product shall be removed from the property.

(B) STRUCTURAL LIMITATIONS

The structure shall comply immediately with the following requirements after the effective date of the annexation:

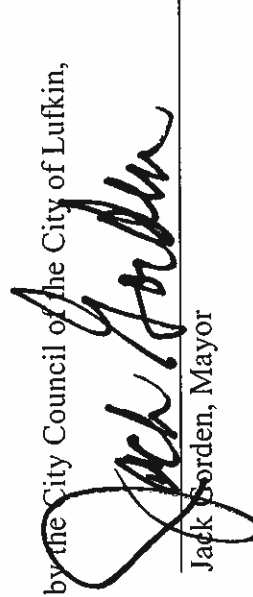
- 1) Emergency vehicle access on all sides of the building;
- 2) Semiannual fire inspections to coincide with each of the sales seasons;
- 3) Emergency lighting, exits and exit signs shall be required in conformance with the 2003 International Fire Code.

SECTION II.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION III.

PASSED AND APPROVED on the First Reading by the City Council of the City of Lufkin, Texas on this 7th day of November 2006.



Jack Gorden, Mayor

ATTEST:

Renee Thompson
Renee Thompson, City Secretary

PASSED AND APPROVED on the Second and Final Reading by the City Council of the City of Lufkin, Texas on this the 21st day of November 2006.

Jack Gorden
Jack Gorden, Mayor

ATTEST:

Renee Thompson
Renee Thompson, City Secretary

APPROVED:

Robert L. Flourney
Robert L. Flourney, City Attorney