

Option 1: The “Do Nothing” Alternative

Existing Ordinance Text:

ARTICLE 14.03 FIREWORKS

Sec. 14.03.001 Penalty

Violation of this article and its provisions is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), with each occurrence being a separate violation. (Ordinance 940906-1, sec. III, adopted 9/6/94)

Sec. 14.03.002 Sale

The sale of all and any variety or type of fireworks is hereby prohibited within the city limits. (Ordinance 940906-1, sec. I, adopted 9/6/94)

Sec. 14.03.003 Detonation

It is hereby prohibited for any person, other than the city, to use, detonate, or explode any type or variety of fireworks within the city limits. (Ordinance 940906-1, sec. II, adopted 9/6/94)

Option 2: The “As-Requested” Alternative

Summary:

- Request is for a “variance,” which would mean creation of a code amendment establishing a variance system with criteria
 - Says “variance,” but example cited in Cuero was an adopted exemption specific to an annexation that took place on a particular date, with no expiration
- City Council would have discretion to approve or deny on a case-by-case basis as determined by compliance with the criteria
- Would still have to comply with other applicable ordinances (i.e. Fire Code)
- Language Option 1 (Open-Ended)
 - Sec. 14.03.002 Sale**
The sale of all and any variety or type of fireworks is hereby prohibited within the city limits, unless otherwise approved by City Council.
- Language Option 2 (Specified Criteria)
 - Possible criteria:
 - The need for the variance is exclusively the result of a fireworks sales facility being annexed
 - That a substantial economic hardship exists
 - Compatible with surrounding uses for the given term
 - Harmonious with the public interest
 - Would caution against “high threshold” criteria as seen in the Unified Development Code
 - Criteria could also be similar to the amortization restrictions listed in Option 3

Option 3: The “Amortization” Alternative

Summary:

- Similar to the Lufkin Ordinance
- Would still have to comply with other applicable ordinances (i.e. Fire Code)
- Exemption to allow amortization of operation of a fireworks retail sale business in a permanent structure unilaterally annexed into the City of Buda
 - Operations and Property Specifications
 - Permanent structure on permanent slab, at least 1,000 s.f. but less than 5,000 s.f.; structures that are movable by mechanical or manual means excluded
 - Business hour restriction: 9am-midnight
 - Signs must be posted at each entry/exit of the building notifying of prohibition on discharge of fireworks in city limits
 - Flyer must be included with each sale notifying of prohibition on discharge of fireworks in city limits
 - No change in scope, size, hours of operation, sale of products
 - Limited to retail sales—no manufacturing or distributor license operations
 - Immediate implementation of an amortization plan for max of ____ years, after which fireworks sales are eliminated
 - Maximum size sold shall be limited to Fireworks, 1.4G (Formerly Class C, Common Fireworks) as listed in the City’s adopted building code
 - At the conclusion of each sales season all residual product shall be removed from the property
 - Structural Limitations
 - Must have emergency vehicle access on all sides of the building