

CITY OF INGLESIDE
REGULAR PLANNING & ZONING COMMISSION MEETING
AGENDA
APRIL 15, 2024
6:00 PM

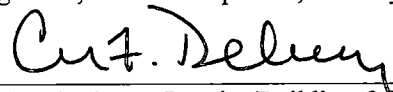
Notice is hereby given that the Planning and Zoning Commission of the City of Ingleside, Texas, will conduct a meeting at City Hall, 2671 San Angelo Street, on April 15, 2024, at 6:00 PM.

1. Call Meeting to Order.
2. Pledge of Allegiance.
3. Consideration and action of the Minutes of the Planning and Zoning Meeting of: January 15, 2024
4. Other Business
 - a. Discussion and possible action on an Ordinance amending Chapter 34 – Fire Prevention and Protection, Ingleside Code of Ordinances
5. Comments from The Public
6. Reports from Planning and Zoning Members
7. Discussion on Agenda for Next Meeting
8. Adjournment

City Hall is wheelchair accessible and there are special parking spaces near the main entrance. Requests for accommodations or special services must be made 48 hours prior to this meeting. Please contact Ingleside Development Services Department, at (361) 776-3815 for further information.

Certification

I, Gene Delauro, certify that the above notice of this Regular Meeting of the Planning & Zoning Commission was posted on the City Hall bulletin board at 2671 San Angelo Street, Ingleside, Texas on April 12, 2024 by 2 p.m.


Gene Delauro, Interim Building Official

PLANNING AND ZONING COMMISSION

January 15, 2024

MINUTES

I. Call Meeting to Order

The meeting was called to order at 6:00 p.m.

Board Members Present: Alan Beaubien, Connor Brown, Brenda Richardson, and Gerard Gutierrez. Ingleside Staff Present: Gene Delauro, Interim Building Official and Dale Wells, Deputy Building Official

II. Pledge of Allegiance

III. Consideration and action of the Minutes of the Planning and Zoning Meeting of: December 18, 2023. (ATTACH)

Board Member Alan Beaubien made a motion to approve the minutes of the December 18, 2023 meeting, which was seconded by Board Member Gerard Gutierrez. The motion passed unanimously by all members present.

IV. Other Business

(A) Public hearing concerning an application filed by Eric & Barbara Christian, to re-plot the following property: Property ID# 52119 PT LOT 13, 14 BLK I BURTON & DANFORTH to LTS 13A, 13B, 13C, & 13D CHRISTIAN OAKS SUB.

The Public Hearing was opened at 6:01 p.m.

Speaking For: Barbara Christian, 2700 Chandler Place, was present to support the replat.

Speaking Against: There was no one speaking against.

There were no calls or letters of objection.

Public Hearing was closed at 6:02 p.m.

(B) Consideration and possible action on (A) above.

Board Member Connor Brown made a motion to recommend approval of the replat, which was seconded by Board Member Alan Beaubien. The motion passed unanimously by all members present.

(C) Public Hearing concerning an application filed by Urban Engineering, to amend the conditions of the Planned Unit Development (Ordinance# 2020-001) and preliminary plat the following property: Property ID#s 1042948, 1042949, & 52731 Cape Bay Phase I.

The Public Hearing was opened at 6:06 p.m.

Speaking For: Trey Summers, 1301 Antelope St, Corpus Christi, TX 78401, spoke in favor on the preliminary plat on behalf of the developer.

Speaking Against: There was no one speaking against.

There were no calls or letters of objection.

Public Hearing was closed at 6:08 p.m.

(D) Consideration and possible action on (C) above.

Board Member Brenda Richardson asked if sidewalks would be on both sides on the streets or just one. Mr. Summer confirmed sidewalks will only be on one side, Board Member Gerard Gutierrez requested more information on what the issues were that required a new preliminary plat. Mr. Summers explained there were issues with the original drainage plan due to inaccurate pipeline depths.

Board Member Gerard Gutierrez made a motion to recommend approval, which was seconded by Board Member Connor Brown. The motion passed unanimously by all members present.

(E) Discussion, consideration, and action regarding recommendations for member appointments.

Board Member Alan Beaubien made a motion to recommend Jacob Lopez for the Planning and Zoning Commission Place 2 vacancy, which was seconded by Board Member Gerard Gutierrez. The motion passed unanimously by all members present.

V. Comments from The Public

There were no comments from the Public.

VI. Reports from Planning and Zoning Members

There were no comments from Planning and Zoning Members.

VII. Reports from Staff

There were no reports from Staff.

VIII. Discussion on Agenda for Next Meeting

Interim Building Official, Gene Delauro, informed the Board Members there are no meetings scheduled at this time.

IX. Adjournment

Board Member Connor Brown made a motion for adjournment, which was seconded by Board Member Gerard Gutierrez. The motion passed unanimously by all members present.

The meeting was adjourned at 6:16 p.m.

APPROVED:

Chair or Vice Chair

ATTEST:

Gene Delauro, Interim Building Official

DRAFT

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 34 – FIRE PREVENTION AND PROTECTION, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 34 – Fire Prevention and Protection is hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

Chapter 34 FIRE PREVENTION AND PROTECTION

Sec. 34-1. International Fire Code 2018 Edition adopted; penalty for violation of chapter.

- (a) The International Fire Code, 2018 Edition, including Appendix Chapters B, C, D, E, F, G, H, I, J, K, L, M, N, as published by the International Code Council, the whole thereof, save and except such portions as may be amended, of which not less than one copy has been and is now filed in the office of the city secretary is hereby adopted.
- (b) The rules and regulations for the safe storage, handling, and use of flammable liquids at retail service stations promulgated by the state department of insurance Health and Safety Code, Title 9. Safety, Subtitle A. Public Safety, Chapter 753. Flammable Liquids and the whole thereof, save and except such portions as may be amended, of which not less than one copy has been and is now filed in the offices of the city is hereby adopted and incorporated as fully as if set forth in this subsection. On the date on which this ordinance from which this chapter was derived shall take effect, the provisions thereof shall be controlling with regard to all of the provisions contained therein pertaining to fire prevention and the safe storage and handling of flammable liquids within the area of jurisdiction of the city.
- (c) Violation of any of the terms of the standards adopted in this section, shall, in addition to any and all other penalties or remedies in such code and rules and regulations above described and adopted shall be punishable as provided in section 1-14. All such persons in violation of the standards adopted in this section shall be required to correct or remedy such violation or defects within a reasonable time.

The application of this penalty shall not be held to prevent the enforced removal of prohibited conditions, use, or operations, or any other remedies permitted by law.

Sec. 34-2. Amendments and deletions.

The fire prevention code adopted in section 34-1 is amended as follows:

~~Section 101.1 is amended to read as follows:~~ [A] 101.1 Title. These regulations shall be known as the Fire Code of the City of Ingleside, Texas, hereinafter referred to as "this Code".

Section 105.1.1 Permits required. Permits required by this code shall be obtained from the code official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the city. Permits are required for the following:

Type I Permit (include review, inspection, testing, and permit)

Installation of fire sprinkler system.

Modification of any fire protection system.

Installation of underground fire mains.

Installation of smoke control systems.

Installation of fire pumps.

Installation of standpipe system.

Installation of fixed fire protection systems.

Installation of fire alarm.

Installation or removal of flammable/combustible liquid storage tank.

Installation of residential automatic fire sprinkler system.

Type II Permits (includes permit and site inspection)

Temporary storage tanks.

Public displays of fireworks.

Installation of Firefighter air replenishment system.

Installation of Emergency Responder Radio System.

Section 106.2 Schedule of permit Fees. A fee for each permit shall be paid as established by resolution of the city council and printed in appendix A of the Ingleside City Code The fees associated with Type I and II fire prevention permits are in addition to fees required for building permits, if applicable.

Section 107.2.1 Inspection by Fire Marshal. The Ingleside Fire Marshal or their designee shall inspect all registered and licensed personal care facilities, foster care, child-care, and group homes within the City of Ingleside annually for compliance with the fire code and life safety code and in accordance with State of Texas statutes.

Section 107.4.1 No waiver. The failure of the Ingleside Fire Marshal to enforce any provision of the fire code shall in no case constitute or be deemed a waiver of the applicability of said provision or the authority of the Fire Marshal to enforce it.

Section 109 is amended to read as follows:

The board of adjustment of the city, which has been established pursuant to Charter sections 10.05 and 10.06 and which functions as the board of adjustment under the zoning ordinance of the city and under V.T.C.A., Local Government Code §§ 211.008 through 211.010, is hereby designated as the appellate body to hear appeals and, where appropriate, to grant special exceptions and variances under the code adopted in section 34-1, and any provision in the code in conflict is hereby repealed.

All requirements and rules concerning the appropriate appellate body, its constitution and make up, the number, appointment, qualifications and terms of office of members, quorum and voting requirements, vacancies and filling of vacancies, duties, power and authority of the body, and all procedural and other rules regarding the taking of appeals to or from and hearings before such body shall be the same for all matters arising under this code as they are for all matters arising under the zoning code and regulations. Those requirements and rules are set forth in the rules of procedure adopted by the board of adjustment to govern its own procedures.

Section 110.4 - Violation penalties – City Ordinance, Sec. 1-14. - General penalty for violations of Code.

Section 112.4 – Failure to comply – City Ordinance, Sec. 1-14. - General penalty for violations of Code.

Section 307.1 General. No person shall kindle or maintain any type of open fire or burning, including bonfires, recreational fires, and trench-burn fires as defined by the Texas Commission on Environmental Quality (TCEQ), within the city. Such open fires are hereby declared to be a public nuisance. This prohibition does not apply to live firefighting training conducted by the Fire Department in compliance with TCEQ regulations, barbecue pits used for cooking, or an approved outdoor fireplace used for warmth that has three sides and a spark arrestor and complies with Section 307. The use of “chimineas” or similar clay type enclosures used to maintain or house any type of fire is prohibited.

Section 506.1.3 When required. All existing buildings with a monitored fire alarm system shall be required to have a key box approved by the Fire Marshal.

Section 903.2.6.1 Group I. No sprinklers shall be required in Home and Community Based Services (HCS) residences for individuals with intellectual or developmental disabilities regulated by the Texas Department of Aging and Disability Services (DADS), unless DADS would otherwise require sprinklers in such homes.

Section 903.2.8 Group R. An automatic sprinkler system shall be provided throughout all buildings with a Group R occupancy fire area, including attached balconies, patios, porches, breezeways, carports, and porte cocheres, regardless of fire separations unless exempt by Texas statutes. Sprinkler heads in exterior or outdoor locations shall be corrosion resistant, or recessed with an escutcheon (cover) plate, or other Fire Marshall approved equal.

Section 904.1.2 Fire suppression. Any domestic cooking appliance installed in a commercial facility, including foster care facilities, shall provide cooking fire suppression as approved by the Fire Marshall.

Section 904.3.5.1 Monitoring. If the building has no monitored fire alarm, a local audible and visible alarm notification appliance shall be required to indicate when the system has been activated.

Section 907.5.1.1 Evacuation. Upon activation of any automatic fire alarm system, all occupants of the structure shall be evacuated and shall remain outside the structure until the fire department has determined that no fire or danger exists. To enable fire department personnel to locate the area or zone activated, occupants of the structure shall not reset an alarm activation.

Section 1103.5.1.1 Group A-2, Existing A-2 type occupancies where alcoholic beverages are consumed and with approved occupancy of 300 or more, shall be equipped with an automatic fire alarm system in compliance with NFPA 72. In the event of a level III alteration as defined by the International Existing Building Code, the building would be required to comply with Section 1103.5.1 of the International Fire Code.

Section 1103.5.3 – Group I-2 , Condition 2 – An automatic sprinkler system must be installed within 3 years of the ordinance adoption date.

Section 3405.8 Off-loading of trucks. All incoming tires by truck or trailer shall be off-loaded within 24 hours and worked into stock on non-combustible racks as required for all tire storage. Tires are not to be left on the ground at the end of the workday and the truck or trailer transporting the incoming tires shall be removed from the site immediately following off-loading.

Section 3405.8.1 Location of storage. Storage of waste tires in any form, whether whole, split shredded, or chopped, shall only be allowed in no more than one (1) enclosed trailer, 8' × 8' × 20' or 1280 ft.³ , located on-site.

Section 3405.9 Public nuisance declared. Tires not designated for retail or wholesale consumption shall not be allowed to accumulate above the limits herein established regardless of their form, whether whole, split, shredded, or chopped, or so as to constitute a fire or health hazard. Any accumulation in violation of this section shall be deemed a public nuisance.

Sec. 34-3. FIREWORKS

- A. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fireworks. The term "fireworks," as used in this article, means a composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation (V.T.C.A., Occupations Code § 2154.001 and Texas Administrative Code, Title 28, Part 1, Chapter 34, Subchapter H) and includes, without limitation, firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs, any other item intended for use in obtaining a visible or audible pyrotechnic display, and all compositions and devices within the commonly accepted meaning of the word "fireworks", or defined as such within Texas Occupations Code or Texas Administrative Code cited above, whether herein specifically listed or not.

Person. The term "person," as used in this article, shall mean and include any natural person, association of persons, partnership, corporation or agent or officer of a corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors and administrators.

- B. Prohibitions.

- (1) It shall be unlawful for any person to use, discharge, ignite, detonate, fire, or otherwise set in action any fireworks.
- (2) It shall be unlawful for any person to manufacture, assemble, sell, offer, or possess with intent to sell, use, discharge, ignite or detonate any fireworks.
- (3) It shall be unlawful for any parent or guardian of any child under the age of 14 to permit or allow such child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks.

- C. Exceptions to prohibitions. The prohibition of this article shall not apply to

- (1) signal flares and torpedoes of the type and kind commonly used by railroads and which signal flares and torpedoes are in fact possessed by a railroad for use in railroad operations;

- (2) to any marine signal flare or rocket of the type and kind commonly carried by a vessel at sea for its own use and which signal flares or rockets are in fact possessed only for ship operations;
- (3) signal flares or rockets for military or police use;
- (4) when a permit to use and discharge fireworks for public exhibition has been issued under the provisions of this article; or
- (5) exemptions set forth at V.T.C.A., Occupations Code § 2154.002.

D. Permit for public exhibition.

Any person desiring to put on a public exhibition, display or showing of fireworks shall first obtain a permit. No such permit shall be issued unless application for same has been filed in writing, stating the names and contact information of the exhibitor and sponsor, and the time, place and nature of the display, and the applicant must show financial responsibility in the amount of no less than \$300,000.00, to consist of either acceptable liability insurance, surety bond or cash bond. The permittee must comply with all rules and regulations of the state and reasonable requirements of the fire marshal.

E. Nuisance, seizure and destruction.

Violation of this article is hereby declared to be a common and public nuisance. The fire marshal is directed and required to seize and cause to be safely destroyed any fireworks found to be in violation of this article. Any member of the fire department or any police officer of the city or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire marshal can be notified in order that the fireworks may be seized and destroyed in accordance with the terms of this section. The fire marshal is hereby authorized to enter any building where the unlawful presence of fireworks is suspected to inspect the same for the presence of such fireworks.

F. Injunctive relief.

Notwithstanding the penal provisions of this article, the city shall be entitled to such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks, to aid the fire marshal in the discharge of his duties, and to prevent any person from interfering with the seizure and destruction of fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction.

G. Penalties for violations of article.

- (1) Any person who shall violate this section shall be fined \$200.00 for each offense. If the fireworks are separately wrapped or packaged, doing or omitting to do any act prohibited by this article shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation of this article shall continue with respect to any package of fireworks shall constitute a separate offense.
- (2) Any person who shall violate section 34-3 shall be fined not less than \$75.00 nor more than \$200.00.

H. Sale and retail display.

No person shall offer for sale *explosives, explosive materials* or fireworks on highways, sidewalks or public property within the City limits and jurisdiction of the City of Ingleside.

Section 5704.2.9.6.1 – Locations where above ground tanks are prohibited – above ground tanks are prohibited in all areas of the City except when located in an I-Industrial zoning district with a special use permit for intensive uses.

Section 5706.2.4.4 – Locations where above ground tanks are prohibited - above ground tanks are prohibited in all areas of the City except when located in an I-Industrial zoning district with a special use permit for intensive uses.

Section 5806.2 – Limitations – Storage of flammable cryogenic fluids – the exterior storage of cryogenic fluids is prohibited in all areas of the City except when located in an I-Industrial zoning district with a special use permit for intensive uses.

Section 6104.2 – Maximum capacity within established limits (LP Gas) - above ground LP tanks shall not exceed a water capacity of 2,000 gallons at any single location except when located in an I-Industrial zoning district with a special use permit for intensive uses.

Sec. -34-4. Arson reward—Established.

The mayor is hereby empowered to offer a reward of one thousand dollars (\$1,000.00), payable to the person or persons who shall be responsible for the arrest and conviction of any person committing the crime of arson in the city as the same is now defined by the penal code of the state. State law reference(s)—Arson generally, V.T.C.A., Penal Code § 28.02; rewards, V.T.C.A., Government Code §§ 414.010, 414.011.

A. How offered.

Whenever the Fire Marshall concludes that any fire occurring in the city was of an incendiary origin and that such fire was caused by the commission of the crime of arson, it shall become the duty of the Fire Marshall to provide a written report to the City Manager. The City Manager shall request the mayor offer the reward provided by section 34-9, which

reward shall be in the form of a proclamation duly issued by the Mayor under his official signature and attested by the seal of the city.

B. Same—Notice.

- (1) The Fire Marshall is hereby directed to have prepared and posted an arson reward notice on placards eight (8) inches by twelve (12) inches in size showing the following reward notice:

ARSON REWARD

The City of Ingleside, Texas, hereby offers the reward of one thousand dollars (\$1,000.00) for the arrest and conviction of any person or persons found guilty of committing the crime of arson within the corporate limits of the City of Ingleside, Texas. This reward is a standing offer and shall be paid out of the general fund of the City of Ingleside, Texas.

- (2) Such placards shall be placed in wooden frames under glass and shall be posted inside at least twenty (20) different public buildings within the city, one of which shall be the city hall, in accordance with the regulations of the state fire insurance department.

C. Same—Payment.

Upon information being given by any person causing the arrest and conviction of any person guilty of the specific crime of arson and upon the final conviction of such person, the person giving such information shall be entitled to receive the reward offered in section 34-11 from the city.

Sec. 34-5 . Tampering with the alarm system.

Whosoever shall maliciously tamper with any part or parts of the municipal fire alarm system, such as pulling false box alarms, cutting any of the line wires or disfiguring boxes, shall be deemed guilty of a misdemeanor.

Sec. 34-6 . Parking area security gates—Emergency override control devices required.

Except as otherwise provided in this section, owners or operators of controlled vehicle parking areas which use mechanical parking gates to control motor vehicle ingress or egress shall install and maintain an emergency override control device (approved by the Fire Marshall) on each gate. Said device shall be a master key-operated type switch. Said master keys shall be provided in sufficient quantity as requested to be furnished to the fire official at the owner's or operator's expense. Except as otherwise provided in this section, emergency override control devices shall be required for all said mechanical parking gates whether said gates were installed before or after the effective date of this section.

Sec. 34-7. Notice of pipeline malfunctions.

Any gas leak, product loss, or critical pressure loss or any other malfunction, from any underground pipeline or associated aboveground valves, pumps and connections occurring within the city limits, indicating a possible emergency, shall be reported immediately by the person or corporation owning or operating the pipeline to the emergency services dispatcher in the city in accordance with 49 CFR, Parts 192.281(e) & 192.283 (b) Transportation of Natural and Other Gas by

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 14th day of May 2024 by ____ (ayes) to ____ (nays) with ____ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

First Reading: April 23, 2024

Second Reading: _____

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VI. – FIREWORKS, INGLESIDE CODE OF ORDINANCES AND FURTHER PROVIDING FOR EFFECTIVE DATE, READING, SEVERANCE, AND PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, COUNTY OF SAN PATRICIO, STATE OF TEXAS:

Section 1. Amendment. Chapter 38 – Offenses and Miscellaneous Provisions, Article VI. - Fireworks is hereby amended to read as follows, new matter being indicated by language and underscoring in red and deleted language by strikethrough in black.

ARTICLE VI. FIREWORKS

Sec. 38-70. Definitions.

~~[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]~~

~~*Fireworks.* The term "fireworks," as used in this article, means a composition or device designed for entertainment to produce a visible or audible effect by combustion, explosion, deflagration, or detonation (V.T.C.A., Occupations Code § 2154.001 and Texas Administrative Code, Title 28, Part 1, Chapter 34, Subchapter H) and includes, without limitation, firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs, any other item intended for use in obtaining a visible or audible pyrotechnic display, and all compositions and devices within the commonly accepted meaning of the word "fireworks", or defined as such within Texas Occupations Code or Texas Administrative Code cited above, whether herein specifically listed or not.~~

~~*Person.* The term "person," as used in this article, shall mean and include any natural person, association of persons, partnership, corporation or agent or officer of a corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors and administrators.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-71. Prohibitions.

~~(a) It shall be unlawful for any person to use, discharge, ignite, detonate, fire, or otherwise set in action any fireworks.~~

~~(b) It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer, or possess with intent to sell, use, discharge, ignite, detonate, fire, or otherwise set in action any fireworks.~~

- ~~(c) It shall be unlawful for any parent or guardian of any child under the age of 14 to permit or allow such child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

~~Sec. 38-72. Exceptions to prohibitions.~~

~~The prohibition of this article shall not apply to (a) signal flares and torpedoes of the type and kind commonly used by railroads and which signal flares and torpedoes are in fact possessed by a railroad for use in railroad operations; (b) to any marine signal flare or rocket of the type and kind commonly carried by a vessel at sea for its own use and which signal flares or rockets are in fact possessed only for ship operations; (c) signal flares or rockets for military or police use; (d) when a permit to use and discharge fireworks for public exhibition has been issued under the provisions of this article; or (e) exemptions set forth at V.T.C.A., Occupations Code § 2154.002.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

~~Sec. 38-73. Permit for public exhibition.~~

- ~~(a) Any person desiring to put on a public exhibition, display or showing of fireworks shall first obtain a permit to do so from the city manager.~~
- ~~(b) No such permit shall be issued unless application for same has been filed in writing with the city manager, stating the names and contact information of the exhibitor and sponsor, and the time, place and nature of the display, and the applicant must show financial responsibility in the amount of no less than \$300,000.00, to consist of either acceptable liability insurance, surety bond or cash bond. The permittee must comply with all rules and regulations of the state and reasonable requirements of the fire marshal.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

~~Sec. 38-74. Nuisance, seizure and destruction.~~

~~Violation of this article is hereby declared to be a common and public nuisance. The fire marshal is directed and required to seize and cause to be safely destroyed any fireworks found to be in violation of this article. Any member of the fire department or any police officer of the city or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally, until the fire marshal can be notified in order that the fireworks may be seized and destroyed in accordance with the terms of this section. The fire marshal is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-75. Injunctive relief.

~~Notwithstanding the penal provisions of this article, the city shall be entitled to such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks, to aid the fire marshal in the discharge of his duties, and to prevent any person from interfering with the seizure and destruction of fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Sec. 38-76. Penalties for violations of article.

~~(a) Any person who shall violate section 38-71(b) shall be fined \$200.00 for each offense. If the fireworks are separately wrapped or packaged, the doing or omitting to do any act prohibited by this article shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation of this article shall continue with respect to any package of fireworks shall constitute a separate offense.~~

~~(b) Any person who shall violate section 38-71(a) or section 38-71(c) above shall be fined not less than \$75.00 nor more than \$200.00.~~

~~(Ord. No. 2019-01, § 1, 1-8-19)~~

Section 2. Effective Date. As provided by Article III, Section 3.11C of the Charter of the City of Ingleside, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the City of Ingleside.

Section 3. Reading. As provided by Article III, Section 3.11.B of the Charter of the City of Ingleside, this ordinance, or the caption of it, shall be read at two City Council meetings with at least two weeks elapsing between each reading.

Section 4. Severance. If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Section 5. Publication. As provided by Article III. Section 3.11C, this ordinance shall be published one time in the official newspaper of the City of Ingleside, San Patricio County, Texas, which publication shall contain the caption of this ordinance stating in substance the purposes of same.

PASSED, ORDAINED, APPROVED AND ADOPTED this 14th day of May 2024 by ___ (ayes) to ___ (nays) with ___ abstentions by a vote of the City Council of the City of Ingleside.

CITY OF INGLESIDE, TEXAS

Pedro Oscar Adame, Mayor

ATTEST:

Ruby Beaven, City Secretary

First Reading: April 23, 2024

Second Reading: _____