



STAFF REPORT

DATE: June 15, 2021

TO: Kent Cagle, City Manager

FROM: Traci Briggs, City Attorney

SUBJECT: Fireworks display at the Killeen Special Events Center

BACKGROUND AND FINDINGS:

Section 11-6 of the Killeen Code of Ordinances provides that the City Council may permit the use of fireworks for public display. The ordinance requires an applicant to provide the following information: name of person/group sponsoring the display; evidence of financial responsibility naming the City as an additional insured; date and time of the display; confirmation of a permit from the State of Texas; the approximate number and kinds of fireworks to be discharged; the manner and place of storage; and a detailed diagram of the area of this display.

On May 26, 2021, an application was received from Magic Display Pyrotechnics FX and Bear Jones for a public fireworks display on July 3, 2021 at 9:20 pm. The proposed location for setup is behind the Killeen Special Events Center. The applicant provided insurance satisfying the requirements of the ordinance as well as the operator's State of Texas licensing information. The applicant indicated the number and size of fireworks to be discharged and that they will be stored at the operator's location in Copperas Cove until the day of the display at which time they will be stored in a trailer at the site during setup. A diagram was also provided.

The Killeen Fire Marshal and other staff have reviewed the application for compliance with fire codes. One issue identified is that the applicant is required to get the approval from the owners of any structure (including a fence) located within the display site. The fire code dictates the distance of the display site based on the size of the fireworks to be displayed. The applicant has stated approvals are being requested. The applicant also did not provide a State of Texas permit for the display. The application for the state requires the approval of the local fire authority, which cannot be granted until approval of the identified property owners is obtained. The fire department will require fire personnel to be on standby at the location, and the applicant has agreed to pay for those services.

In conjunction with the fireworks display, Mr. Jones has submitted a carnival/amusement application for July 3. He indicates that he plans to charge admission for vehicles to enter the Special Events Center parking lot and will have a live band and food trucks. This event and the fireworks display are proposed to be on city property, but at this time no contract has been signed with the Killeen Civic & Conference Center. Carnival/amusement applications are considered by the City Manager, not the City Council.

THE ALTERNATIVES CONSIDERED:

The City Council may grant the application, grant the application with specific requirements or deny the application.

Which alternative is recommended? Why?

As currently submitted, staff recommends that the City Council deny the application. The applicant has not satisfied the minimum requirements of Chapter 11.

CONFORMITY TO CITY POLICY:

The application does not meet the requirements of Chapter 11.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no expenditure of city funds related to this application.

Is this a one-time or recurring expenditure?

N/A

Is this expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

N/A

RECOMMENDATION:

Staff recommends that the City Council deny the application of Magic Display Pyrotechnics FX and Bear Jones for a fireworks display on July 3, 2021.

DEPARTMENTAL CLEARANCES:

Fire Department

Police Department

Community Development

ATTACHED SUPPORTING DOCUMENTS:

Application