

Fireworks

Approved 11-10-2004

ORDINANCE #09082009

AN ORDINANCE OF THE CITY OF MUNDAY, TEXAS DEFINING "FIREWORKS", PROHIBITING THE SALE, STORAGE AND DISCHARGE OF FIREWORKS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF MUNDAY, TEXAS; PROVIDING FOR SEIZURE OF FIREWORKS; ESTABLISHING A PENALTY; REPEALING CONFLICTING ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

DEFINITION:

As used in this ordinance the term "fireworks" shall be interpreted so as to give it the same meaning as it has in common usage and so as to give this ordinance it's most reasonable application. Without limiting the above statement, it shall also mean and include, but not limited to, any combustible or explosive composition or any substance or combination of substances or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, including blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used. Including, but not limited to, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound or any tablet or other device containing an explosive or flammable compound. Provided, however, that it shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredth (0.25) of a grain of explosive content per cap, and toy pistols, toy canes, toy guns or other devices for use of such caps.

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

From and after the effective date of this ordinance, it shall be unlawful for any person, firm or corporation to store, keep in possession, manufacture, sell or re-sale, fire, discharge, detonate any form of fireworks within the corporate city limits of the City of Munday, Texas. The council may allow fireworks at anytime deemed legal within set boundaries to allow special circumstances, patriotic and ceremonial purposes.

Should any person, firm or corporation violate the terms and conditions of this ordinance, such person, firm or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined, not to exceed

\$1,000.00. Each day such violation shall continue it shall constitute a separate offense.

The presence of fireworks offered or exposed for sale or stored or held in violation of this ordinance, is hereby declared to be a common and public nuisance. The Chief of Police, designated city employee or any law enforcement officer shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of this ordinance.

It shall be deemed a violation of this ordinance to interfere with, hinder or molest any law enforcement official or city employee in the performance of such employees duties under this ordinance or do any act which otherwise is proscribed in this ordinance.

Nothing in this ordinance shall be construed to prohibit the use of fireworks by transportation agencies for signal purposes of illumination or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

Should any section, clause, or provision of this ordinance be declared to be unconstitutional and void by a Court of competent jurisdiction, such decision shall in no manner affect the validity of the remaining parts, save the part held unconstitutional and void is inseparable from and indispensable to the operation of the remaining parts. The City Council hereby declares that it would have passed those parts which are valid and would have omitted those parts which may be invalid had they known that such part or parts were void and unconstitutional at the time of the passage of this ordinance.

Passed this 10th day of November, 2009.

Buddy Norville, Mayor

ATTEST:

Dwayne Bearden, City Administrator