

AN ORDINANCE PROHIBITING THE SALE, USE, FIRING OR DISCHARGING OF FIREWORKS IN THE CITY LIMITS; PROVIDING PENALTY FOR THE VIOLATION SEVERABILITY CLAUSE AND EMERGENCY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTINGTON, TEXAS, that:

Section 1. It shall be unlawful for any person to sell or barter or in any manner distribute any fireworks of any kind of character, including fireworks defined under Article 9205 of the Revised Civil Statutes of Texas as ICC-Class C Common Fireworks, or Class A or Class B fireworks or any other type of pyrotechnic devise.

Section 2. It shall be unlawful for any person to discharge any fireworks or pyrotechnics of any description in the City; provided, on the first day of January, fourth day of July and twenty-fifth day of December pyrotechnic amusements may be conducted at any City park; provided however, that prior application of twenty-five citizens is made to the Chief Officer of the City in charge of fire prevention who may then issue a permit to display, or to indulge in pyrotechnic amusements in the City; provided further, that such officer shall require that such persons as shall conduct such public display of pyrotechnics shall comply with all the terms and conditions of Section 10 of Article 9205 of the Texas Revised Civil Statutes, and all other provisions of Article 9205, and it shall be the duty of such officer to determine that the qualifications of Article 9205 shall have been complied with prior to the time such public display shall be approved.

Section 3. The term "fireworks" as used in this Ordinance shall be construed to mean any and all fireworks or pyrotechnic device as the terms are defined under Article 9205 of the Texas Revised Civil Statutes, to which reference is hereby made for any and all purposes.

Section 4. In the event any individual violates this Ordinance such person may be fined upon in the proper court and may be fined for a sum of not less than \$1.00 nor more than \$200.00.

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Section 5. It is the express desire and intent of the City Council of the City of Huntington, Texas to enact the provisions of Article 9502 of the Texas Revised Civil Statutes as heretofore enacted by the Legislature of the State of Texas, and said Article is incorporated herein by reference, and enacted hereby, as if set forth herein in full.

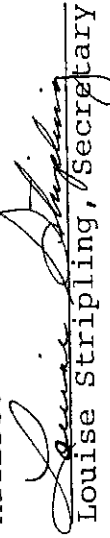
Section 6. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of the Court of competent jurisdiction, it shall not effect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance; for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

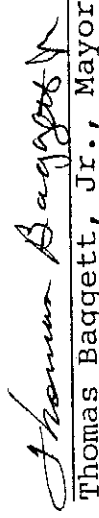
All Ordinances or parts of Ordinances, Rules, Regulations or other statutes of the City of Huntington which conflict with the provisions of this Ordinance, as amended hereby are repealed to the extent of such conflict.

Section 7. Because of the danger to the health, safety and welfare of the citizens of the City of Huntington, Texas, there exists a public emergency and an imperative public necessity which requires that the results and provisions providing that Ordinances be finally passed on second reading be suspended and that this Ordinance take effect immediately upon its passage and publication. It is therefore ordered that such rules and provisions be accordingly suspended and this Ordinance is passed as an emergency.

PASSED on first reading this the 26th day of January, 1984.

ATTEST:


Louise Stripling, Secretary


Thomas Baggett, Jr., Mayor