

AN ORDINANCE AMENDING SECTION 18-7 OF THE CODE OF THE CITY OF ABILENE, TEXAS, 1957, AS AMENDED, AND PROVIDING THAT NO PERSON, FIRM OR CORPORATION SHALL MANUFACTURE, STORE, KEEP, POSSESS, SELL, OFFER FOR SALE, GIVE AWAY, USE, IGNITE OR CAUSE TO EXPLODE, ANY FIREWORK OF ANY KIND OR DESCRIPTION WITHIN THE CORPORATE LIMITS OF THE CITY OF ABILENE, TEXAS, OR WITHIN FIVE THOUSAND (5,000) FEET THEREOF, EXCEPT AS PROVIDED BELOW; PROVIDING THAT THERE MAY BE ONE PUBLIC DISPLAY OF FIREWORKS ON THE FOURTH OF JULY OF EACH YEAR BY A PERSON, FIRM OR CORPORATION AUTHORIZED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE AND UNDER THE SUPERVISION OF THE FIRE DEPARTMENT OF THE CITY OF ABILENE; DECLARING THE MANUFACTURE, STORING, KEEPING, POSSESSING, SELLING, OFFERING FOR SALE, GIVING AWAY, USING, IGNITING OR CAUSING TO EXPLODE TO BE A NUISANCE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ABILENE, TEXAS:

Section 1: That Section 18-7 of The Code of The City of Abilene, Texas, 1957, as amended, be, and the same is hereby, amended so that it shall hereafter read as follows:

"Sec. 18-7. SALE AND USE OF FIREWORKS.

"(a) Except as provided in Subparagraph (b) below, no person, firm or corporation shall manufacture, store, possess, keep, sell, offer for sale, give away, use, ignite or cause to explode any firework of any kind or description within the Corporate Limits of The City of Abilene, Texas, or in an area immediately adjacent and contiguous to the City Limits of The City of Abilene, Texas, extending for a distance outside said City Limits for a total distance of five thousand (5,000) feet, provided said area outside the Corporate Limits of The City of

Abilene, Texas, shall not include any area contained within the territory of any other municipal corporation.

"(b) There shall be one public display of fireworks on the Fourth of July of each year under the supervision and direction of the Fire Department of The City of Abilene, Texas, and at a time and place, and sponsored by an organization to be designated by the Board of Commissioners at a time prior to July 4.

"(c) Except as provided in Subparagraph (b) above, the manufacture, storing, possession of, keeping, selling, offering to sell, using, igniting or causing to explode, fireworks of any kind or description within the Corporate Limits of The City of Abilene, Texas, or within five thousand feet (5,000'), as provided in Subparagraph (a) above, constitutes a danger to the public health and safety and constitutes a nuisance."

Section 2: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to fine not to exceed TWO HUNDRED DOLLARS (\$200.00). Each day such offense shall continue shall constitute a separate offense.

Section 3: That the enactment of this ordinance shall in no way affect the prosecution for offenses under Section 18-7 prior to this amendment, which may be pending at the time of passage of this ordinance.

Section 4: That should any portion of this ordinance be held to be invalid by a Court of competent jurisdiction, such invalidity shall in no way affect the remaining portion of this ordinance, or the remaining sections of The Code of the City of Abilene, 1957.

PASSED ON FIRST READING this 27th day of July, A. D. 1961.

The Board of Commissioners hereby finds that an emergency

exists requiring suspension of the rule provided in Section 32 of The City Charter, requiring ordinances to be read and passed at two separate meetings of the Board of Commissioners and said rule is hereby suspended and said ordinance is passed twice at one and the same meeting of the Board of Commissioners.

PASSED ON SECOND AND FINAL READING this 27th day of July, A. D. 1961.

ATTEST:

Sila Fummaruti
City Secretary

W. H. ...
MAYOR

APPROVED AS TO FORM:
CORPORATION COUNSEL
by *John W. Davidson*
Principal Associate
Corporation Counsel

