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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, AMENDING SECTION 18-7(a) AND SECTION 18-7(c) OF THE CODE OF THE CITY OF ABILENE, TEXAS, 1957, AS AMENDED, AND PROVIDING THAT 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 OR IN AN AREA OUTSIDE OF BUT IMMEDIATELY ADJACENT TO SAID CORPORATE LIMITS WHERE SAID AREA IS WITHIN ONE HUNDRED FEET (100') OF ANY HOUSE AS SET OUT HEREIN; DECLARING 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 OR OUTSIDE OF BUT WITHIN SAID ONE HUNDRED FEET (100') A NUISANCE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined that Sub-sections (a) and (c) of Ordinance No. 1105, dated the 27th day of July, 1961, relating to the use and sale of fireworks within and adjacent to the corporate limits of the City of Abilene is impractical from an enforcement standpoint; and,

WHEREAS, upon recommendation of the Fire Marshal of the City of Abilene, the City Council is of the opinion certain amendments should be made; now, therefore,

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

Section 1: That Section 18-7(a) of The Code of The City of Abilene, Texas, 1957, as amended, be, and the same is hereby further amended so as to hereafter read as follows:

"Sec. 18-7 (a). Except as provided in Sub-paragraph (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 fireworks of any kind or description within the corporate limits of the City of Abilene, Texas, or in an area outside of but immediately adjacent and contiguous to the city limits of the City of Abilene where said area is within one hundred feet (100') of a house, as that term is defined in Art. 1305 of the Texas Penal Code, located within or partially within the corporate limits of the City of Abilene, provided said area outside the corporate limits of the City of Abilene shall not include any area contained within the corporate limits of any other incorporated city or town."

Section 2: That Section 18-7(c) of The Code of the City of Abilene, Texas, 1957, as amended, be, and the same is hereby further amended so as to hereafter read as follows:

"Sec. 18-7 (c). Except as provided in Sub-paragraph (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, or outside of said corporate limits but within one hundred feet (100') of a house wholly or partially within the corporate limits of the City of Abilene, as provided in Sub-paragraph (a) above, constitutes a danger to the public health and safety and constitutes a nuisance."

Section 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than Two Hundred Dollars (\$200. 00). Each such violation which shall continue or be permitted to continue shall be deemed a separate offense.

Section 4: That if any provision of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provision or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5: That the City Council hereby finds that an emergency exists requiring suspension of the rule provided in Section 18 of the City Charter requiring ordinances to be read on two separate days, in that the immediate passage of said ordinance is necessary for the preservation of the public peace, safety and welfare, and said rule is hereby suspended and this ordinance shall take effect and be in full force and effect from and after its passage.

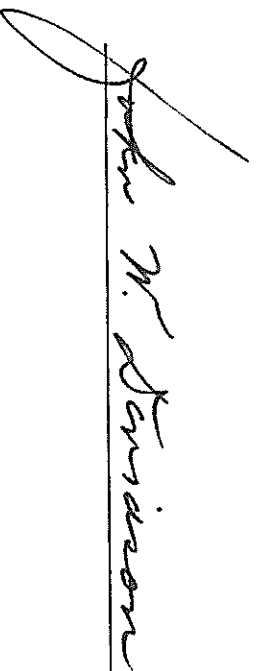
PASSED THIS 12th day of December, A. D. 1963.

  
MAYOR

ATTEST:

  
CITY SECRETARY

APPROVED:  
JOHN W. DAVIDSON, City Attorney

  
JOHN W. DAVIDSON