

ORDINANCE NO. 54-2015

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AMENDING SECTION 20-25, FIREWORKS**

WHEREAS, fireworks are prohibited within the Abilene city limits and certain adjacent areas unless the City Council allows a fireworks display at a designated time and place; and

WHEREAS, by policy, the Fire Marshal verifies that the applicant meets city and state safety requirements prior to the application for City Council approval and subsequently at the location of the display; and

WHEREAS, the process may be streamlined to allow approval through the Fire Marshal in lieu of City Council approval since the Fire Marshal is in the position to assure that safety requirements are in place prior to the issuance of a permit for the display of fireworks;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS

- PART 1:** That the City Council of the City of Abilene amend Section 20-25, Fireworks, included as Exhibit "A", attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

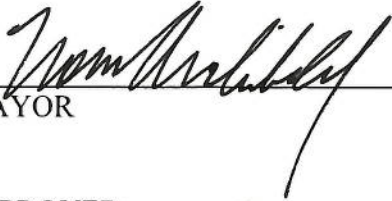
PASSED ON FIRST READING this 8th day of October, 2015.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 18th day of October, 2015, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 22nd day of October, 2015, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 22nd day of October, 2015.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:



CITY ATTORNEY

Exhibit A

Sec. 20-25. Fireworks.

(a) Except as provided in subsection (b) of this section, no person shall manufacture, store, possess, keep, sell, offer for sale, give away, use, ignite or cause to explode any fireworks or pyrotechnics of any kind or description within the city or in an area outside of but immediately adjacent and contiguous to the city where such area is within one hundred (100) feet of a building, as that term is defined in article 28.01 of the Texas Penal Code, located within or partially within the city; provided, that such area outside the city shall not include any area contained within the corporate limits of any other incorporated city or town.

(b) The Fire Marshal may allow a display of fireworks and/or pyrotechnics at a designated time and place if the display meets minimum safety criteria. Any individual or corporation having a display of fireworks and/or pyrotechnics shall submit a permit application to the Fire Marshal and shall conform to all conditions and requirements set by the Fire Marshal's office. Any person conducting a display of fireworks and/or pyrotechnics must be licensed by the State of Texas. In the event the Fire Marshal denies a permit application, the applicant may appeal the decision to City Council by filing a written appeal with the City Secretary within ten (10) business days after the denial of the permit application is mailed to the applicant or personally delivered, whichever occurs first. If no appeal is filed within ten (10) business days, the decision of the Fire Marshal becomes final and unappealable. The written appeal should contain all information on which the City Council can make a decision. The City Council shall hear the appeal within thirty (30) days after the appeal is filed with the City Secretary.

(c) An act in violation of subsection (a) of this section constitutes a danger to the public health and safety and constitutes a nuisance.