

CITY OF NEW FAIRVIEW

ORDINANCE NO. 2006-01-108

AN ORDINANCE OF THE CITY OF NEW FAIRVIEW, TEXAS, DESIGNATING CERTAIN DAYS AND TIME TO DISCHARGE FIREWORKS; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN ENGROSSMENT AND ENROLLMENT; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Fairview, Texas, realizes the necessity to designate certain days and times to discharge fireworks; and

WHEREAS, the City Council of the City of New Fairview, Texas needs to limit the discharge of fireworks to ensure and protect all residents in the city to have a safe, respectful and comfortable environment.

NOW, THEREFORE, LET BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW FAIRVIEW, TEXAS;

SECTION I SCOPE OF ORDINANCE

The provisions of this ordinance shall apply to all territory within the city limits of the City of New Fairview.

SECTION II. DEFINITIONS OF TERMS

- A. **Fireworks**- any sparkler, bottle rocket, skyrockets, torpedoes, squibs, fire balloons, star shells, garbs, firecracker, roman candle, smoke bomb, or any other device used to obtain a visible or audible pyrotechnic display, explosion, deflagration or detonation.

SECTION III. DISCHARGE OF FIREWORKS

Fireworks may be discharged within the City limits of the City of New Fairview on the following days and times ONLY if there is not a Burn Ban in effect set by the county.

July 2nd, 3rd, 4th-2:00p.m. thru 11:00p.m.

December 29th, 30th-2:00p.m. thru 11:00p.m.

December 31st-2:00p.m thru January 1st. 1:00a.m.

SECTION IV. PENALTY

Any person who violates a provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

SECTION V. SEVERABILITY

It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses and phrases of the Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment of decree of any court of competent jurisdiction, such event shall not effect any of the remaining phrases, clauses, sentences, paragraphs and section of this Ordinance, since the same would have been enacted by the City Council without the incorporation in the Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

SECTION VI. SAVINGS CLAUSE

All rights and remedies of the City of New Fairview are expressly saved as to any and all violations of the provision of any other Ordinance affecting holes/excavation and ditches in the City, which have secured at the time of the effective date of this Ordinance, and, as to such accrued violations and all pending litigation,