

AN ORDINANCE PROHIBITING ANY PERSON TO HAVE, KEEP, STORE, SELL, OFFER FOR SALE, GIVE AWAY, USE, TRANSPORT, MANUFACTURE, DISCHARGE, IGNITE OR IN ANY MANNER AID, ASSIST OR ABET IN THE DISCHARGING OR IGNITING OF ANY FIREWORKS WITHIN THE CORPORATE LIMITS OF THE TOWN OF PELICAN BAY, TEXAS; DECREERING THAT THE POSSESSION OF ANY FIREWORKS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF AN INTENT TO VIOLATE THE ORDINANCE; PRESCRIBING A SAVING CLAUSE; PROVIDING THAT ANYONE VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE GUILTY OF A MISDEMEANOR AND SHALL BE LIABLE TO A FINE AND UPON CONVICTION SHALL BE FINED IN ANY SUM NOT EXCEEDING \$200.00, AND THAT EACH DAY THAT SUCH VIOLATION EXISTS SHALL CONSTITUTE A SEPARATE AND DISTINCT OFFENSE, AND FOR ENFORCEMENT HEREOF BY INJUNCTION SUIT, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF PELICAN BAY, TEXAS:

I.

It shall be unlawful for any person, firm, or corporation to have, keep, store, sell, offer for sale, give away, use, transport, manufacture, discharge, ignite or any manner aid, assist or abet in the discharging or igniting of any fireworks with the corporate limits of the Town of Pelican Bay, Texas.

II.

"Fireworks", as that term is used herein, is defined as any contrivance made of paper, paste, board, or other material, and containing explosives or materials combined in various proportions for the purpose, when ignited or lighted by hand or otherwise, of making a noise, creating an explosion or producing a pyrotechnic display.

III.

The possession of any fireworks within the corporate limits of the Town of Pelican Bay, Texas shall constitute prima facie evidence of an intention to violate the provisions of this ordinance and shall be deemed an offense.

IV.

Nothing in this ordinance shall be construed to prevent any public demonstration or display of fireworks of any kind if conducted under proper police supervision after application made and permit issued by the Chief of the Fire Department of the Town of Pelican Bay for such demonstration. Said permit shall not be granted unless such demonstration or display shall be of such a character, and so

located, discharged or fired, as in the opinion of the said Chief of the Fire Department after proper inspection, shall not be hazardous to property or endanger any person or persons.

V.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and the person, firm or corporation, or an employee, agent, manager or officer thereof, who is found guilty of violating any of the provisions hereof, shall upon conviction be fined in any amount not exceeding \$200.00 for each offense, and every violation of, and each and every day's refusal to comply with, the said provisions will constitute a separate and distinct offense; and in case of willful or continued violation by any person, firm or corporation as aforesaid or their agents, employees, servants or officers, the Town shall have power to revoke and repeal any license under which said person, firm, or corporation may be acting, and revoke all permits, privileges and franchises granted to said person, firm or corporation aforesaid.

The Town may also bring suit for injunction against any person, firm or corporation who shall violate or threaten to violate any of the provisions of this ordinance, in order to prevent a continued or such threatened violation.

VI.

If any section, part of a section or provisions of any section of this ordinance shall be held to be void, ineffective or unconstitutional by a court of competent jurisdiction, the holding of such section, part of a section, or provision of any section to be void, ineffective or unconstitutional for any cause whatsoever, shall in no way affect the validity of the remaining sections and provisions of this ordinance, which shall remain in full force and effect.

VII.

This ordinance shall take effect from and after its passage and publication as provided by law.

1982.

PASSED AND ADOPTED this the 16 day of February,

APPROVED:

Paul Edmund
Ruth Howard - Mayor, Town of Pelican Bay

ATTEST:

Beverly A. Baird
Beverly Baird - Town Secretary
Town of Pelican Bay