

ORDINANCE NO 102

FIREWORKS ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 38 OF THE ORDINANCES OF THE CITY OF PATTISON TO INCREASE THE PENALTY FOR VIOLATING THE PROHIBITIONS AGAINST SELLING, POSSESSING, DISCHARGING, OR GIVING AWAY FIREWORKS WITHIN THE CITY OF PATTISON FROM A MAXIMUM OF \$200.00 TO A MAXIMUM OF \$2000.00 FOR EACH DAY OF VIOLATION; PROVIDING FOR AN EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, The City of Pattison prohibited the sale and firing of fireworks within the City by Ordinance No. 38, adopted in 1989; and

WHEREAS, such Ordinance provides that the penalty for violation is a fine of \$200.00; and

WHEREAS, Section 54.001(b), Texas Local Government Code, authorizes a General Law Municipality to impose a fine for violation of a regulation or ordinance that governs fire safety of up to \$2000.00; and

WHEREAS, the City Council of the City of Pattison desires to amend Ordinance No. 38 to provide that any violation, upon conviction, may be punished by a fine of \$2,000.00, with each day being a separate offense; and

WHEREAS, the City Council is of the opinion that adoption of such ordinance is in the best interests of the City of Pattison;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS THAT:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. AMENDMENT

Ordinance No. 38 is hereby amended so that the second sentence of part 3 thereof shall hereafter read as follows:

Any violation of this ordinance shall, upon conviction, be punished by a fine of not to exceed \$2000.00 for each day of violation.

3. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

4. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

5. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND ADOPTED, EFFECTIVE THE 14th day of August, 2012.

CITY OF PATTISON, TEXAS



Bill Mathews, Mayor

ATTEST:



Lynda L. Fairchild, City Secretary