

ORDINANCE NO. 32

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 FIRECRACKER WITHIN THE CORPORATE LIMITS OF THE CITY OF RIVER OAKS, TEXAS: DEFINING TERMS: DECREERING THAT THE POSSESSION OF A FIRECRACKER SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF AN INTENT TO VIOLATE THE ORDINANCE: GRANTING PERMITS TO KEEP, STORE AND TRANSPORT FIRECRACKERS UNDER CERTAIN CONDITIONS: MAKING THIS ORDINANCE CUMULATIVE OF ALL OTHER ORDINANCES AFFECTING EXPLOSIVES EXCEPT IN THOSE INSTANCES IN WHICH A CONFLICT EXISTS: PRESCRIBING A SAVINGS CLAUSE; FIXING A PENALTY FOR THE VIOLATION THEREOF; DECLARING AN EMERGENCY; AND NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

The following terms used in this ordinance are defined as follows:

“Firecracker” shall include any contrivance made of paper, paste, board or other material, and containing explosives of 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.

“Person” shall mean and refer to any natural person or association of natural persons, trustees, receiver, partnership, corporation, organization, or the manager, agent, servant or employee of any of them.

SECTION 2.

It shall be unlawful for 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 firecracker of any size within the corporate limits of the City of River Oaks, Texas.

SECTION 3.

The possession of a firecracker within the corporate limits of the City of River Oaks, Texas, shall constitute prima facie evidence of an intention to violate the provisions of this ordinance and shall be deemed an offense.

SECTION 4.

The Mayor may grant to a person a permit for a period not to exceed one year at a time to keep, store and transport firecrackers, provided that prior to the adoption of this ordinance the permittee has a warehouse that he is using for the purpose of dealing in firecrackers in wholesale lots, and provided further that the application shows that adequate safeguards have been taken to protect life and property and that no sales will be made for use in the City of River Oaks.

SECTION 5.

This ordinance shall be, and is hereby declared to be, cumulative of all other ordinances of the city of River Oaks, Texas, affecting explosives and shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances those provisions shall be and they are hereby expressly repealed.

SECTION 6.

If any section, part of a section or provision of any section of this ordinance shall be held to be void, ineffective or unconstitutional by a court of a 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. The Council would not have passed any sections, parts of sections or provisions of any sections that were unconstitutional, void or ineffective if they had known that they were unconstitutional, void or ineffective at the time of adopting this ordinance.

SECTION 7.

Any person found guilty of violating any of the provisions of this ordinance shall be fined in any sum not to exceed One Hundred Dollars (\$100.00), and each violation or each day that there is a failure to comply with the terms of this ordinance shall constitute a separate offense.

