

City of Ladonia, Fannin County Texas
ORDINANCE NO. 2011-06-06

AN ORDINANCE OF THE CITY OF LADONIA, TEXAS, REPLACING SECTION 5.401 OF ARTICLE 5.400 EXPLOSIVES AND FIREWORKS OF THE CODE OF ORDINANCES PROHIBITING THE USE OR SALE OF FIREWORKS WITHIN CITY LIMITS; PROVIDING DEFINITIONS, EXCEPTIONS, A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER AND AN EFFECTIVE DATE.

WHEREAS, the City of Ladonia City Council wishes to promote a clean, healthy, safe and attractive environment for the citizens of the City of Ladonia; and

WHEREAS, the City Council has determined that the use or sale of fireworks within the City, except in compliance with this ordinance, constitutes a nuisance and can lead to health and safety hazards; and

WHEREAS, the City Council finds that this ordinance is necessary to promote the health and safety of the citizens, and to enhance the city's appearance.

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

SECTION 1. DEFINITIONS

(a) "Firework" means any combustible or explosive composition, or any substance, combination of substances, or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. "Fireworks" include blank cartridges, firecrackers, torpedoes, sky-rockets, Roman candles, crackers, grenades, sparklers, or other devices of like construction, or other combustible material used for fireworks purposes; any devices containing an explosive or flammable compound; and any tablet or other device containing an explosive substance.

(b) "Firework" shall not include signaling devices for current daily use by railroads and others requiring them; flashlight compositions used by photographers or dealers in photographic supplies; flares or rockets used for military or police purposes, auto flares or cigarette lighters.

SECTION 2. NUISANCE DECLARED

The presence of any fireworks within the city's corporate limits in violation of this article is declared to be a nuisance and appropriate injunctive relief may be instituted by the City in any court of competent jurisdiction.

SECTION 3. POSSESSION, USE, MANUFACTURE, ETC.

Except as set forth in Section 4, it shall be an offense for any person to use, discharge, cast, throw, fire, explode, manufacture, assemble, store, sell, exhibit, or offer for sale, fireworks of any description within the City's corporate limits and within the extraterritorial jurisdiction.

SECTION 4. EXCEPTIONS

The following exceptions apply to Section 3 of this ordinance:

(a) It shall not be an offense under this article for the City or a professional person or company permitted by the City Council as evidenced in minutes of a meeting to provide a public display of fireworks.

SECTION 5. SEVERABILITY

It is hereby declared to be the intention of the City Council that Article 1.001 Section 1.107 applies to this ordinance once approved, passed and published.

SECTION 7. PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.


SECTION 9. PUBLICATION

The city secretary of the City of Ladonia is hereby directed to publish in the official newspaper of the City, the caption, penalty clause, and effective date clause of this ordinance one (1) day as authorized by Section 52.011 of the Local Government Code.

SECTION 10. EFFECTIVE DATE

This ordinance shall be in full force and effect after its passage and publication as provided by law and it is so ordained.

PASSED AND APPROVED, this 6th day of June, 2011.



Janis Cooper, Mayor

ATTEST:



Julie Russell, City Secretary