

AN ORDINANCE PROHIBITING THE MANUFACTURING, ASSEMBLING, STORING, TRANSPORTING, RECEIVING, KEEPING, SELLING, OFFERING FOR SALE, POSSESSING, USING, DISCHARGING, CAUSING TO BE DISCHARGED, IGNITING, DETONATING, FIRING, OR OTHERWISE SETTING IN ACTION OF ANY FIREWORKS OF ANY DESCRIPTION; DECLARING ILLEGAL FIREWORKS A NUISANCE; PROVIDING FOR THE SEIZURE AND DESTRUCTION OF ILLEGAL FIREWORKS; PERMITTING TRANSPORTATION OF FIREWORKS ON CERTAIN ROADS; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. DEFINITIONS.

a. The term "fireworks", as used in this Ordinance shall mean and include any firecrackers, cannon crackers, skyrockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs, or any other substance in whatever combination by any designated name intended for use in obtaining visible or audible pyrotechnic display, and such term shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specially designated and defined or not.

b. The term "person", as used in this article, shall mean and include any natural person, association of persons, partnership, corporation, agent or officer of a corporation, and shall also include all warehousemen, common and private carriers, bailees, trustees, receivers, executors, and administrators.

SECTION 2. GENERAL PROHIBITION AGAINST MANUFACTURE, SALE, DISCHARGE, TRANSPORTATION, POSSESSION, ETC.

Except as otherwise specifically provided in this Ordinance, it shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer for sale, use, discharge, cause to be discharged, ignite, detonate, fire, or have in his possession any fireworks of any description.

SECTION 3. PERMITTED TRANSPORTATION.

a. It shall be lawful to transport fireworks through the Town of Beasley only on State Highway 59.

b. Any vehicle transporting fireworks through the Town of Beasley, as provided in paragraph "a" above, shall meet all State and Federal requirements for safety equipment, and shall be equipped with at least one Class 20-B fire extinguisher, in good operating condition mounted so that it is readily accessible to the driver of the vehicle.

SECTION 4. ILLEGAL FIREWORKS AS A NUISANCE; SEIZURE AND DESTRUCTION, ETC.

The presence of any fireworks within the jurisdiction of the Town in violation of this article is hereby declared to be a common and public nuisance. The fire marshal or any peace officer for the Town is directed and required to seize and cause to be safely destroyed any fireworks found in violation of this article and any peace officer of the Town or any other duly constituted peace officer is empowered to stop the transportation of and detain any fireworks found being transported illegally or to close any building where any fireworks are found stored illegally until such fireworks may be seized and destroyed in accordance with the terms of this section. Notwithstanding any penal provision of this article, the city attorney is authorized to file suit on behalf of the Town for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use of fireworks within the jurisdiction of the Town and to particularly prevent any person from interfering with the seizure and destruction of such fireworks, but it shall not be necessary to obtain any such injunctive relief as a prerequisite to such seizure and destruction.

SECTION 5. CERTAIN SIGNAL FLARES, TORPEDOES AND ROCKETS EXCLUDED FROM ORDINANCE.

This Ordinance shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroads, which signal flares and torpedoes are received by and stored or transported by any railroad for use in railroad operations; nor shall this ordinance apply to any marine signal flare or rocket of the type and kind commonly carried by a vessel at sea for its own use and which signal flare or rocket is transported or received or stored for use only as ship's stores; nor shall this ordinance apply to signal flares or rockets for military or police use.

SECTION 6. RIGHT OF ENTRY TO ENFORCE ORDINANCE.

The fire marshall or any peace officer for the Town is hereby authorized to enter any building where the unlawful presence of fireworks is suspected in order to inspect the same for the presence of such fireworks.

SECTION 7. VIOLATIONS OF ORDINANCE.

a. Any person who shall manufacture, assemble, store, transport, receive, keep, sell, offer for sale or have in his possession with intent to sell any fireworks in violation of this Ordinance shall be fined two hundred dollars (\$200.00) for each offense. If the fireworks are separately wrapped or packaged, the doing or omitting to do any act prohibited by this Ordinance shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation of this Ordinance shall continue with respect to any package of fireworks shall constitute a separate offense.

b. Any person who shall possess, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action

less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00). Any parent or guardian of any minor child below the age of fourteen (14) who permits or allows such minor child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks in violation of this Ordinance shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00).

SECTION 8. SEVERABILITY.


If any portion, provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

SECTION 9. EMERGENCY.

Due to the extreme danger of fire caused by the unrestricted use of fireworks in the Town of Beasley, there exists an emergency requiring that this Ordinance be passed finally on the date of its introduction, and the Mayor, by execution hereunder in writing, declares the existence of such emergency this Ordinance shall be passed finally on the date of its introduction, and shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this the 16 day of September, 1980.

ATTEST:


Clinton Conrod
TOWN CLERK

Ernie Randerman Jr.
MAYOR PRO TEM