

**AN ORDINANCE BY THE CITY COUNCIL OF INGLESIDE ON THE BAY
RESTRICTING THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS
OF INGLESIDE ON THE BAY**

Section 1 Definition.

The term "fireworks" as used in this article shall mean and include any firecrackers, cannon crackers, skyrocket, 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 shall include all articles or substances within the commonly accepted meaning of "fireworks" whether herein specially designated and defined or not.

Section 2 Fireworks prohibited.

It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer, or have in his possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description, except as hereinafter provided.

Section 3 Declaration of nuisance; enforcement.

A. The presence of any fireworks within the jurisdiction of the city in violation of this article is hereby declared to be a common and public nuisance.

B. Upon the first violation, the fire marshal or other officer shall deliver a written Notice of Violation to the person(s) in violation of this Ordinance. The Notice shall advise the person(s) of the violation, contain a place for the person(s) to sign acknowledging receipt of the Notice and written Notice that a second violation will result in the enforcement procedure provided herein.

C. Upon the second violation, the fire marshal or other officer shall proceed with the enforcement of this Ordinance by filing a Complaint in Municipal Court and/or requesting injunctive relief.

D. Notwithstanding any other procedure herein, the fire marshal is directed and required to seize and cause to be safely destroyed any fireworks found within the jurisdiction in violation of this article, and any member of the fire department or any police officer of the city 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 the fire marshal can be notified in order that said 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 city and the fire marshal or both for injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or use

of fireworks, within the jurisdiction of the city and to aid the fire marshal in the discharge of his duties 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. The fire marshal 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.

E. The fire marshal, or other officer, is authorized to go upon any and all property, including private property for the purpose of serving the notices required herein and enforcing this Ordinance.

Section 4 Exceptions.

This article shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroad and which signal flares and torpedoes are received by and stored or transported by any such railroad for use in railroad operation; nor shall this article 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 flares or rockets are transported or received or stored for use only as ship's stores, nor shall this article apply to signal flares or rockets for military or police use.

Section 5 Penalties.

(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 article shall be punished as provided in section 5(b). If the fireworks are separately wrapped or packaged, the doing or omitting to do any act prohibited by this article shall be a separate offense as to each such separately wrapped or separately packaged fireworks. Each day that a violation shall continue with respect to any package of fireworks shall constitute a separate offense.

(b) Any person who shall use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks in violation of this article shall be fined not less than one hundred dollars (\$100.00) not more than one thousand dollars (\$1,000.00). Any parent or guardian of any minor child below the age of fourteen (14) years who permits or allows such minor child to use, discharge, ignite, detonate, fire or otherwise set in action any fireworks shall be likewise punished.

Section 6. Validity.

(a) If any section, paragraph, sentence, clause, phrase or provision of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

(b) All ordinances or parts of ordinances including Ordinance 1993-09 and any other ordinances in conflict herewith are hereby repealed.

(c) This ordinance shall become effective after adoption and publication one time in the official newspaper of the City of Ingleside on the Bay.

PASS AND APPROVED by the City Council of Ingleside on the Bay on this 5th day of June, 2007.



Jo Ann Ehmänn, Mayor Pr Tem

ATTEST:



Diane Rosea, City Secretary



City of Ingleside on the Bay
P.O. Box 309, Ingleside, Texas 78362
776-5451 fax 776-5283

June 6, 2007

Patsy Dickens
Ingleside Index
Fax 758-5393

Patsy,

Please print the following in the Ingleside Index one time.

Thank you,
Diane Hosea

ORDINANCE NO. 2007-7

AN ORDINANCE BY THE CITY COUNCIL OF INGLESIDE ON THE BAY
RESTRICTING THE DISCHARGE OF FIREWORKS WITHIN THE CITY LIMITS
OF INGLESIDE ON THE BAY

The original Ordinance is on file with the City Secretary

THE STATE OF TEXAS
COUNTY OF SAN PATRICIO:

Before me, the undersigned authority, personally appeared

Clay Morgan of The Ingleside Index, who after being

by me duly sworn, on his oath deposes and said:

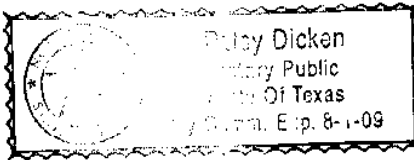
1. That (he) (~~she~~) is Publisher of The Ingleside Index a weekly newspaper published in San Patricio County, Texas.

2. That the City of Ingleside on the Bay
Published an ordinance 2007-7

hereto annexed, was published in the regular issues of said Ingleside Index once each week for xxx One (1) week successive weeks said publications having been made on the June 13, 2007

3. That a printed copy of said Noitce
as the same appeared in said issues is attached hereto.

Clay Morgan



Sworn to and subscribed before me this 15th
day of June, 20 07

Patsy Dicken
Notary Public, San Patricio County, Texas

PUBLICATION FEE: \$ 22.25

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Published in the Ingleside
Index, June 13, 2007