

**TOWN OF BARTONVILLE  
ORDINANCE NO. 479-09**

**AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, BY REPEALING CHAPTER 5, ARTICLE 5.100, FIREWORKS, IN ITS ENTIRETY AND PROVIDING NEW REGULATIONS ENTITLED FIREWORKS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR SAVINGS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE.**

**WHEREAS**, Section 342.003 of the Local Government Code provides the governing body of a municipality the authority to regulate fireworks; and,

**WHEREAS**, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety and welfare of its citizens to amend Chapter 5, Article 5.100, of the Code of Ordinances to provide new regulations for fireworks,

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.**

The Code of Ordinances of the Town of Bartonville, Texas, be, and the same is, hereby amended by repealing Chapter 5, Article 5.100, in its entirety and providing new regulations for fireworks to read as follows:

**“ARTICLE 5.100 FIREWORKS”**

**Section 5.101                      Prohibited Activities**

It shall be unlawful for any person, firm, copartnership or corporation to sell, offer for sale, or expose for sale, or use (except individuals on their own property), explosives, firecrackers, torpedoes, sky rockets, Roman candles, aerial salutes, American or Chinese bombs or other fireworks of like construction, or any fireworks containing any explosives or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other modern explosives within the limits of the town.

**Section 5.102                      Exceptions**

Nothing contained herein shall prohibit any of the following activities:

- (a) The use of fireworks for pyrotechnic displays given by fair associations, amusement parks, civic organizations or groups of individuals under permit granted by the town; or
- (b) The use or sale of blank cartridges for theatrical purposes or for signal purposes in athletic contests or sport events, or for use by police or military organizations; or
- (c) The use of 1.4G, consumer fireworks (as defined in the U.S. Department of Transportation’s Hazardous Materials Table) by an individual under the supervision of a property owner age 18 or older on the property owner’s personal property. The discharge of fireworks on streets or rights-of-way owned by the Town is strictly prohibited.

**Section 5.103                      Prohibition During Burn Ban**

It shall be unlawful for an individual to discharge fireworks on their own property at any time when a “no burn day” or “burn ban” is in effect that has been ordered by the Town, Mayor, the County Commissioner’s Court, the Argyle Volunteer Fire District Fire Chief or the County Fire Marshall.

**Section 5.104                      Penalty for Violation**

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine in accordance with the general provision found in Section 1.109 of this code for each offense.”

**SECTION 3.  
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 4.  
SAVINGS.**

An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.  
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.  
ENROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 7.  
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 8  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED this the 15<sup>th</sup> day of September, 2009.**

APPROVED:

\_\_\_\_\_  
Ron Robertson, Mayor

(Seal)

ATTEST:

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Debbie E. Millican, Town Administrator