

ORDINANCE NO. 2002-28

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, PROHIBITING THE SALE, OR USE OF FIREWORKS DURING COUNTY-WIDE BURN BANS; PROVIDING DEFINITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TALTY, TEXAS:

SECTION 1. That except as hereinafter provided, it shall be unlawful for any person to sell, use, explode or discharge fireworks in the Town of Talty, Texas during any period in which the Commissioner's Court of the County of Kaufman has by order imposed a ban on outdoor burning. As used herein, the term "fireworks" means any composition or device designed to produce a visible or audible effect by combustion, explosion, deflagration, or detonation, and that is defined as special fireworks or common fireworks by federal regulations.

SECTION 2. That this Ordinance does not apply to the following:

1. Devices that use paper or plastic caps manufactured in accordance with federal regulations and that are packed and shipped according to state regulations;
2. Model rockets, and model rocket motors designed, sold, and used for the purpose of propelling recoverable aero models;
3. The sale, and use in emergency situations, of pyrotechnic signaling devices or distress signals for marine, aviation, or highway use;
4. The use of fuses and railway torpedoes by railroads;
5. The sale of blank cartridges in radio, television, film, or theater productions, for signal or ceremonial purposes in athletic events, or for industrial purposes;
6. The use of any pyrotechnic device by military organizations; or
7. A person licensed by the state as a manufacturer, distributor, jobber, or pyrotechnic

operator while engaged in the activities for which he is licensed.

SECTION 3. That should any word, phrase, paragraph, section or portion of this Ordinance be held to be invalid, unenforceable, void or unconstitutional, the same shall not affect the validity of the remaining portions of this Ordinance which shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the Town of Talty, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. This Ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY PASSED by the Town Council of the Town of Talty, Texas, on the 17th day of September, 2002.

APPROVED:

MAYOR

ATTEST:

TOWN SECRETARY

APPROVED AS TO FORM:

TOWN ATTORNEY (49930)

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