

ORDINANCE NO. 3819

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF THE CITY OF MESQUITE BY ADDING ANOTHER EXCEPTION TO SECTION 6-6(11)(b) THEREBY TEMPORARILY ALLOWING THE SALE OF FIREWORKS AT PRE-EXISTING LOCATIONS IN THE AREA ANNEXED TO THE CITY BY ACTION OF THE CITY COUNCIL ON AUGUST 21, 2006; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 6 of the Code of the City of Mesquite, Texas, is hereby amended by adding another exception to Section 6-6(11)(b) to read as follows, in all other respects said Code, Chapter and Section to remain in full force and effect:

Exceptions:

3. That the possession, storage, sale and handling of fireworks shall be permitted through July 4, 2007, in the area annexed to the City by action of the City Council on August 21, 2006, at such locations where the possession, storage, sale and handling of fireworks were occurring prior to annexation. After July 4, 2007, this exception shall be void and the possession, storage, sale and handling of fireworks shall be prohibited. This exception does not include the use of fireworks which shall continue to be prohibited.

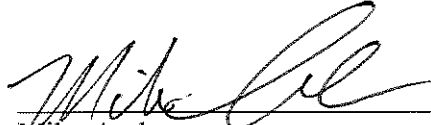
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed, except that this ordinance shall not affect any provision of the Mesquite Zoning Ordinance. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

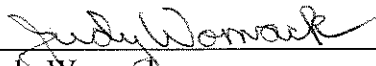
SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for the proper regulation of fireworks creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of September, 2006.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B.J. Smith
City Attorney