

Approved by Council but no signed/executed copy could be located.

0-2008-06-07  
was incorrectly coded and  
should be 0-2008-06-01

CITY OF WESTON, TEXAS

ORDINANCE NO. 2008-06-01

**AN ORDINANCE OF THE CITY OF WESTON, TEXAS; AMENDING ORDINANCE NO. 2005-08-01 TO ALLOW THE USE OF FIREWORKS ON PERSONAL PROPERTY OF FOUR ACRES OR MORE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Weston, Texas (the "City") is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City of Weston, Texas (the "City Council") wishes to promote a clean, healthy, safe, and attractive environment for the citizens of the City of Weston; and

**WHEREAS**, the City Council has investigated and determined that the use of fireworks on personal property of four (4) acres or more within the City limits does not constitute a nuisance and does not create health or safety hazards; and

**WHEREAS**, the City Council finds that this Ordinance further promotes the health, safety and general welfare of the citizens of the City.

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

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: Amendment to Ordinance No. 2005-08-01.** Ordinance No. 2005-08-01 is hereby amended as follows:

"Section 4. Exceptions

1. It shall not be an offense under this Ordinance for the City or professional permitted by the City Council to provide a public display of fireworks
2. It shall not be an offense under this Ordinance to use fireworks on personal property of four (4) acres or more in the City limits."

**SECTION 3: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal

prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 4: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 5: Penalty.** Any person, firm, corporation or entity violating this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 6. Effective Date.** This Ordinance shall be effective immediately upon adoption and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, on the \_\_\_\_ day of \_\_\_\_\_, 2008.**

\_\_\_\_\_  
Ed Town, Mayor

**ATTEST:**

*Fireworks*

\_\_\_\_\_  
Dedra Bates, City Secretary

Date(s) of Publication: \_\_\_\_\_