

ORDINANCE NO. 4-09

AN ORDINANCE OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS, REGULATING THE POSSESSION OR USAGE OF FIREWORKS OR OTHER EXPLOSIVE MATERIALS EXCEPT FOR PROPANE, BUTANE, GASOLINE OR DIESEL GAS USED TO POWER FARM EQUIPMENT, POWER TOOLS USED FOR THE CARE AND MAINTENANCE OF RESIDENTIAL PROPERTY OR FARMING OPERATIONS IN THE CITY OF OAK RIDGE PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS THAT:

WHEREAS, the City Council of the City of Oak Ridge in Kaufman County, Texas, has determined that it is necessary to regulate the possession or usage of fireworks or other explosive materials except for propane, butane, gasoline or diesel gas used to power farm equipment, power tools used for the care and maintenance of residential property or farming operations in the City of Oak Ridge; and

WHEREAS, it is the obligation of this Council to protect the health, welfare and property of the inhabitants of this City.

Section I.

NOW THEREFORE, BE IT ORDAINED that the following regulations will apply to the possession or usage of fireworks or other explosive materials except for propane, butane, gasoline or diesel fuel, kerosene or other camping fuels used to power farm equipment, power tools used for the care and maintenance of residential property or farming operations in the City of Oak Ridge.

Section II.

Fireworks

The following activities related to the possession or usage of fireworks or other explosive materials except for propane, butane, gasoline, or diesel gas used to power farm equipment, power tools used for the care and maintenance of residential property or farming operations, shall be regulated by the City of Oak Ridge.

1. Persons found either possessing or using fireworks or prohibited explosive materials subject to regulation by Federal or State

governmental statues without the required permit within the jurisdiction of the City of Oak Ridge will be considered in violation of this ordinance, and subject to the penalty of a fine.

2. Persons determined to be responsible for the initiation of igniting and burning of vegetation on either public property within the jurisdiction of the City of Oak Ridge or private property within the jurisdiction of the City of Oak Ridge found to be caused by the usage of fireworks or other prohibited explosive materials, will be in violation of this ordinance as an additional offense to the offense included in Section I of this ordinance, and subject to the penalty of a fine.
3. Persons found to be in violation of Section I and/or II, will be subject to a penalty of a fine double the amount of the fine levied under Section I and/or II, if the act was committed during a Kaufman County burn ban.

Section III.

Enforcement

Property owners found to be in violation of any of the regulations stated in this ordinance shall be subject to a fine.

Section IV.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section V.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall 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, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

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PASSED AND APPROVED on this 25th day of June 2009

ROY W. PERKINS, Mayor

ATTEST:

seal

JAN SHEDD, City Secretary