

ORDINANCE NO. 0224

**AN ORDINANCE ESTABLISHING FIRE PREVENTION REGULATIONS; PROHIBITING FIREWORKS AND REGULATING CERTAIN FIREWORKS DISPLAYS; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, REPEALER, AND SEVERABILITY; TO REPEAL ORDINANCE NO. 0005 AND ALL AMENDMENTS THERETO, THAT PREVIOUSLY ESTABLISHED FIRE PREVENTION REGULATIONS AND CODES; THE PENALTY BEING AS PROVIDED IN ARTICLE I, SECTION V OF THE ORDINANCE, CREATING A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$2,000.00.**

**WHEREAS,** the City Council of the Town of Horizon City (“City Council”) is authorized by the Texas Government Code, Section 51.001, to adopt an ordinance that is for the good government, peace, or order of the City and is necessary or proper for implementing a power granted by law to the City; and

**WHEREAS,** under Section 775.036, Texas Health and Safety Code, the board of an emergency services district may adopt and enforce a fire code and enforce that fire code within the boundaries of a municipality that has not adopted a fire code; and

**WHEREAS,** the Emergency Services District #1 has adopted the 2009 International Fire Code, which should be applied uniformly within the Town of Horizon City, as well as for building construction as provided in Ordinance No. 0012; and

**WHEREAS,** the City Council has determined that it is appropriate to repeal Ordinance No. 0005 and all amendments thereto, and adopt a this ordinance to regulate matters not falling under the authority of ESD #1 and their Fire Marshall and to provide enforcement authority to the Fire Marshall, some of which regulations previously had been in Ordinance No. 0005; and

**WHEREAS,** the provisions relating to fireworks are adopted to be in conformity with Section 217.042, Texas Local Government Code, relating to the area in which the City may regulate fireworks and with Section 342.013, Texas Local Government Code, which provides that a home-rule municipality that regulates fireworks may not confiscate packaged, unopened fireworks, and which provides for an affirmative defense to a prosecution for the possession of fireworks.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS that;**

**ARTICLE I. ADOPTION OF THE ORDINANCE**