

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CODE OF ORDINANCES ARTICLE VI. FIREWORKS, SECTION 23-150 TO ALLOW CITY CODE ENFORCEMENT OFFICERS THE AUTHORITY TO ISSUE CITATIONS FOR VIOLATIONS OF THE FIREWORKS ORDINANCE. – PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS

WHEREAS, the manufacture, assembly, storage, transportation or ignition of fireworks within the city limits of the City of Kyle, Texas (the "City") constitutes a threat to the public health and safety of the citizens and property of the City; and

WHEREAS, the regulation of fireworks within the City serves the public purposes by preventing fires and safeguarding the conservation of water; and

WHEREAS, the City currently authorizes police officers and other duly constituted peace officers to enforce the City's Fireworks ordinance and the City Council wishes to authorize Code Enforcement officers to also enforce the City's Fireworks Ordinance;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made part hereof for all purposes as findings of fact.

Section 2. Amendment of Article VI. Fireworks, Section 23-150. – Penalty. City of Kyle, Texas, Code of Ordinances is hereby amended insofar, and insofar only, as is herein set forth, and in no other respect whatsoever. The addition of subsection (d) below is hereby adopted.

- (d) The fire marshal, police officer of the city, code enforcement officer or any other duly constituted peace officer of the City is empowered to issue citations for any violation of this Section.

Section 3. Amendment of Ordinances. The City of Kyle, Texas Code of Ordinances is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't Code and the City Charter.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section 6. Severability. If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED on this the ____ day of _____, 2017.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2017.

ATTEST:

The City of Kyle, Texas

Jennifer A. Vetrano, City Secretary

Travis Mitchell, Mayor