

**TOWN OF BARTONVILLE
ORDINANCE NO. 739-22**

**AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS,
AMENDING THE TOWN OF BARTONVILLE CODE OF
ORDINANCES, CHAPTER 5, "FIRE PREVENTION AND
PROTECTION," ARTICLE 5.04 "FIREWORKS," TO PROHIBIT
THE SALE AND USE OF FIREWORKS IN THE TOWN, WITH
EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING A SAVINGS CLAUSE; PROVIDING FOR
PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Bartonville, Texas ("Town"), is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town as a general law municipality, is empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, Section 342.003 of the Texas Local Government Code, and Section 2154.004 of the Texas Occupations Code, provide the governing body of a municipality the authority to prohibit or regulate fireworks; and

WHEREAS, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety and welfare of its citizens to amend Chapter 5, Article 5.04, of the Town Code of Ordinances to prohibit the sale and use of fireworks in the Town, with exceptions.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT OF ARTICLE 5.04**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 5, "Fire Prevention and Protection," Article 5.04 "Fireworks," is hereby amended and shall read as follows:

“Article 5.04 FIREWORKS

* * *

Sec. 5.04.002 Sale and use prohibited

It shall be unlawful for any person, firm, co-partnership or corporation to sell, offer for sale, or expose for sale, or use explosives, firecrackers, torpedoes, skyrockets, Roman candles, aerial salutes, American or Chinese bombs or other fireworks of like construction, or any fireworks containing any explosives or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other modern explosives within the limits of the town.

Sec. 5.04.003 [Deleted]

Sec. 5.04.004 [Deleted]”

**SECTION 3.
SEVERABILITY**

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

**SECTION 4.
SAVINGS**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 5.
ENGROSS AND ENROLL**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 6
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

AND IT SO ORDAINED.

DULY PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on the 15th day of November 2022.

APPROVED:



Jaclyn Carrington

Jaclyn Carrington, Mayor

ATTEST:

Tammy Dixon

Tammy Dixon, Town Secretary