

AN ORDINANCE PROHIBITING THE MANUFACTURE, ASSEMBLY, STORAGE, TRANSPORTATION, RECEIPT, KEEPING, SALE, USE OR DISCHARGE OF FIREWORKS OF ANY DESCRIPTION WITHIN THE CITY LIMITS OF ORCHARD, TEXAS; PROVIDING FOR A PERMIT AND REQUIRING A BOND; PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; DECLARING AN EMERGENCY; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ORCHARD, TEXAS:

SECTION ONE: PROHIBITED ACTS. It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer or have in his possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fire-crackers, Roman candles, cherry bombs, TNT bombs, skyrockets, pinwheels, or aerial bombs or any fireworks of any description without proper permit from the City Council.

SECTION TWO: PERMIT. Any person who shall desire to manufacture, assemble, store, transport, receive, keep, sell, offer or have in his possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks within the city limits of the City of Orchard shall make application to the Board of Commissioners of the City of Orchard in writing which application shall state the name and address of the applicant, the date and time for which the permit is desired to be issued, the specific location within the city limits of Orchard, Texas, for which the permit is desired to be issued, a complete description of the activity desired to be undertaken on the date and time and at the location specified, and a complete list of each firecracker, Roman candle, cherry bomb, TNT bomb, skyrocket, pinwheel, aerial bomb or other fireworks to be manufactured, assembled, stored, transported, received, kept, sold, used, discharged or detonated within the city limits of Orchard, Texas. The permit by the Board of Commissioners shall specify the activity in detail, the exact location, date and time when the activity shall be permitted and a complete list of the fireworks which shall be permitted to be manufactured, assembled, stored, transported, received, kept, sold, used, discharged or detonated and shall set the amount of a bond to be provided by applicant.

SECTION THREE: BOND. Before any permit shall be effective, the applicant therefor shall provide a bond with not less than two (2) good and sufficient sureties acceptable to the Board of Commissioners of the City of Orchard, payable to the Mayor of the City of Orchard in an amount set by the Board of Commissioners of the City of Orchard, conditioned that the principal and surety will pay all damages to persons caused by, arising from or growing out of the specifically permitted activity.

SECTION FOUR: DEFINITIONS. (a) "Person" is defined to include natural persons, partnerships and corporations.

(b) "Fireworks" are any contrivance of inflammable and/or explosive materials combined in various proportions for the purpose of producing in combustion beautiful or amusing or entertaining visual or auditory effects.

SECTION FIVE: PENALTY. Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than \$200.00.

SECTION SIX: DECLARING AN EMERGENCY. Whereas, an emergency is apparent for the immediate preservation of order, health, safety, and the general welfare of the citizens of the City of Orchard and in order to prevent fire and other casualty to property lying within the city limits of the City of Orchard that requires this ordinance to become effective immediately, therefore, this ordinance shall be effective from and after the date of its passage and approval.

19 80 PASSED AND APPROVED, this the 10 day of September.

ATTEST:

Chimee Bollom
City Secretary

APPROVED:

Eugene A. Penny
Mayor

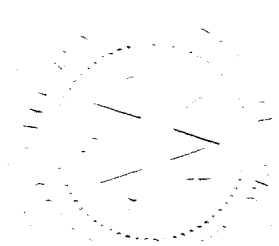
NOTICE

On the 10th day of September,
19 80, the Board of Commissioners of the City of Orchard, State of
Texas, passed an Ordinance, the description caption of which is as
follows:

AN ORDINANCE PROHIBITING THE MANUFACTURE, ASSEMBLY,
STORAGE, TRANSPORTATION, RECEIPT, KEEPING, SALE, USE
OR DISCHARGE OF FIREWORKS OF ANY DESCRIPTION WITHIN
THE CITY LIMITS OF ORCHARD, TEXAS; PROVIDING FOR A
PERMIT AND REQUIRING A BOND; PROVIDING A PENALTY OF
A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF
THIS ORDINANCE; DECLARING AN EMERGENCY; AND
PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE
IMMEDIATELY UPON ITS PASSAGE.

This will therefore give notice by publication of the passage
of said Ordinance as directed by the City Charter.

GIVEN UNDER MY HAND AND SEAL of the said city on this the
10th day of September, 19 80.

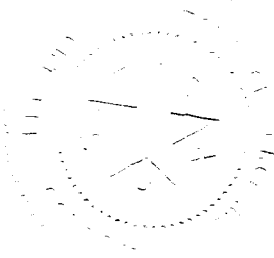


Aimee Bollom
CITY SECRETARY
City of Orchard,
State of Texas

THE STATE OF TEXAS §
COUNTY OF FORT BEND §
CITY OF ORCHARD §

AIMEE BOLLUM, City Secretary of the City of Orchard, Texas, hereby certifies that she gave notice of the passage of the foregoing and attached Ordinance by causing the descriptive caption to be published in the Herald-Coaster, a newspaper of general circulation published in the City of Rosenberg, Texas, and that the same was published in said newspaper on the 12th day of October, 19 80.

GIVEN UNDER MY HAND AND SEAL of said city on the 20th day of October, 19 80.



Aimee Bollom
AIMEE BOLLUM,
City Secretary
City of Orchard, State of Texas

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS, }
County of Fort Bend.

On this 16 day of October A. D. 1980, personally appeared before the undersigned, a Notary Public in and for said county and state, _____

John Black Publisher of The Herald-Coaster, a newspaper published at Rosenberg, County of Fort Bend, State of Texas, who, being by me duly sworn, on oath, states that

the advertisement, a true copy of which is hereto annexed, was published in said newspaper in one issues thereof on the following dates October 12

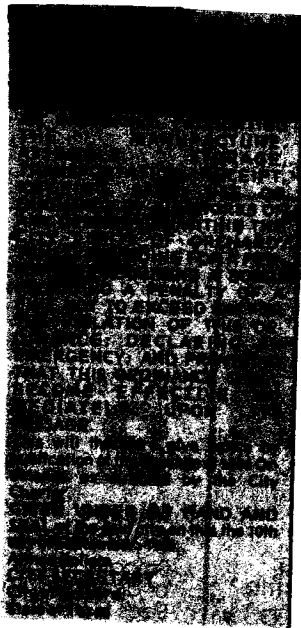
_____ A. D. 1980.

John Black

Subscribed and sworn to before me, this the 16 day of October

_____ A. D. 1980.

Carol Tydlacka
Notary Public in and for Fort Bend County, Texas



PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF AUSTIN

Before me a notary public in and for Austin County, Texas
Mrs. Frank Jemela, Jr.
on this day personally appeared _____

of the Wallis News-Review, a weekly newspaper regularly published in said State and County, who, after first being duly sworn by me, upon his oath deposes and says that he is the
Editor _____ of the said newspaper,

and that the foregoing and attached Notice or Citation was published in said newspaper for at least 1 week(s), viz: October 16, 1980

Mrs. Frank Jemela Jr.
Editor _____ of the Wallis News-Review

Sworn to and subscribed before me, this the 5 day of March 19 81.

Darlene F. Ondruch
Notary Public, Austin County, Texas

DARLENE F. ONDRUCH
My Commission Expires
March 31, 1981

