

ORDINANCE 2023-02-0612

AN ORDINANCE OF THE TOWN OF ANTHONY, TEXAS ADOPTING A MORATORIUM OF THE PROHIBITION ON THE SALE AND IGNITION OF FIREWORKS UNDER THE ANTHONY MUNICIPAL CODE, TITLE 8 "HEALTH AND SAFETY", CHAPTER 8.08 "FIREWORKS, FIREARMS AND EXPLOSIVES", SECTION 8.08.010 "RESTRICTION GENERALLY", FOR THE FOURTH OF JULY HOLIDAY OF THE YEAR 2023, WITH LIMITED DURATION AND SCOPE.

WHEREAS, the GOVERNING BODY did hold a duly noticed Public Hearing; and

WHEREAS, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

WHEREAS, pursuant to the statutory authority granted to the GOVERNING BODY as a municipality under Texas Local Government Code Section 51.001, the GOVERNING BODY may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

WHEREAS, the GOVERNING BODY does make the following finding:

1. That it is in the best interest of the public at large that the Town impose a moratorium on the Town's prohibition on the sale and ignition of fireworks under the Anthony Municipal Code, Title 8 "Health And Safety", Chapter 8.08 "Fireworks, Firearms and Explosives", Section 8.08.010 "Restriction Generally", for the fourth of July holiday of the year 2022 for purposes of promoting trade and commerce of the municipality and only for a limited duration and scope as set out in this ordinance.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ANTHONY, TEXAS: that in consideration of the aforementioned findings and testimony, it hereby ordains that it does hereby approve the following:

Section 1. MORATORIUM.

The Town of Anthony, Texas shall impose and does hereby impose a moratorium on the Town's prohibition on the sale and ignition of fireworks under the Anthony Municipal Code, Title 8 "Health And Safety", Chapter 8.08 "Fireworks, Firearms and Explosives", Section 8.08.010 "Restriction Generally", for the fourth of July holiday of the year 2023 and only for the limited duration and scope provided below.

Section 2. AUTHORITY AND PURPOSE.

AUTHORITY: This Ordinance is adopted pursuant to the enabling provisions of Texas Local Government Code Section 51.001 and Section 51.012, as more fully set forth above.

PURPOSE: The purpose of this moratorium is to promote trade and commerce of the municipality for the fourth of July holiday of the year 2023.

Section 3. DURATION OF MORATORIUM.

The moratorium shall become effective beginning June 24, 2023 and continue in full force and effect until 10:00 p.m. on July 4, 2023, which time period the Governing Body finds to be a reasonable period of time for the accomplishment of the herein above.

Section 4. SCOPE OF MORATORIUM.

The scope of activity permitted under the moratorium shall be as follows:

- The sale, give away, offer for sale, exhibit for sale, or possess with intent to sell or give away, of any fireworks shall be permitted throughout the duration of the moratorium beginning June 24, 2023 until 10:00 p.m. on July 4, 2023.

The scope of activity not permitted under the moratorium shall be as follows:

- No person shall, within the town, ignite or explode any fireworks throughout the duration of the moratorium except on and only on July 4, 2023 from 9:00 a.m. until 10:00 p.m.

Section 5. VIOLATIONS OF MORATORIUM.

Any violation(s) of this moratorium shall result in the issuance of a citation for the violation(s) and the immediate confiscation of any and all fireworks.

Section 6. EFFECTIVE DATE.

This ordinance shall be effective as provided by law.

Section 7. PROPER NOTICE & MEETING.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code 551.

PASSED, ADOPTED AND APPROVED THIS 12 DAY OF JUNE 2023.



APPROVED:

Anthony D. Turner, MPH
Honorable Mayor

ATTEST:

Valerie M. Armendariz, MPA
Town Clerk

ROLL CALL VOTE:

Mayor Pro-Tem Louie Alfaro
Councilor Jose Garcia
Councilor Eddie Chavez
Councilor Shawn Weeks
Councilor Soledad Flores

 YES
 YES
 YES
 YES
 YES