

**CITY OF LOWRY CROSSING, TEXAS**

**ORDINANCE NO. 253**

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, ADMENDING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE BY (I) DELETING IN ITS ENTIRETY SECTION 903 ENTITLED “AUTOMATIC SPRINKLER SYSTEMS,” AND (II) AMENDING SECTION 3301.1.3 ENTITLED “FIREWORKS” TO REMOVE THE PROHIBITION OF THE POSSESSION, STORAGE, SALE, HANDLING AND USE OF FIREWORKS; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE;AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lowry Crossing, Texas (“City”) is a Type A general law municipality pursuant to the laws of the State of Texas; and

**WHEREAS**, the City previously adopted, with certain amendments, the 2009 Edition of the International Fire Code, as published by the International Code Council, and the City now desires to adopt certain additional amendments to the said International Fire Code as set forth herein.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:**

Section 1. Incorporation of Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof.

Section 2. Amendments to International Fire Code. The 2009 Edition of the International Fire Code, as published by the International Code Council (the “Fire Code”), heretofore adopted by the City of Lowry Crossing, Texas (“City”), is hereby amended in part as follows:

A. Section 903 of the Fire Code, entitled “Automatic Sprinkler Systems,” is hereby deleted in its entirety.

B. Section 3301.1.3 of the Fire Code, entitled “Fireworks,” is hereby amended to read as follows:

**3301.1.3 Fireworks.** ~~The possession, manufacture, storage, sale, handling and use of fireworks~~ is prohibited.

**Exceptions:**

1. Storage and handling of fireworks as allowed in Section 3304.
2. Manufacture, assembly and testing of fireworks as allowed in Section 3305.
3. The use of fireworks for fireworks displays as allowed in Section 3308.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided such fireworks comply with CPSC 16 CFR, Parts 1500 and 1507, and DOTn 49 CFR, Parts 100-185, for consumer fireworks.

Section 3. Penalty. It shall be unlawful for any individual, person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any individual, person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

Section 4. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting fire prevention, protection, and safety and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, liability, action, cause of action, or claim which, prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to any ordinance or portion of the Code of Ordinances repealed hereby, shall continue to be governed by the provisions of those repealed ordinances or portions of the Code, and for that purposes such ordinances or portions of the Code shall be deemed to remain and shall continue in full force and effect.

Section 5. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. Effective Date. That this Ordinance shall be in full force and effect from and after its date of passage and approval, and publication as provided by law.

**DULY ADOPTED** by the City Council of the City of Lowry Crossing, Texas on the 7<sup>th</sup> day of August, 2012.

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Derek Stephens, Mayor

ATTEST:

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Janis Cable, City Secretary