

**TOWN OF WESTOVER HILLS, TEXAS**

**ORDINANCE NO. 20-01**

**AN ORDINANCE PROHIBITING THE DISCHARGE OF FIREWORKS OR OTHER PYROTECHNICS WITHIN THE CITY LIMITS OF THE TOWN OF WESTOVER HILLS; AND PROVIDING A FINE UP TO \$2,000 FOR EACH OFFENSE.**

**WHEREAS**, the Town Council of the Town of Westover Hills (the "Town Council") has determined that the discharge of fireworks or other pyrotechnics within the town represents a risk of fire or injury to persons and property; and

**WHEREAS**, the Town Council hereby determines that the adoption of this Ordinance is in the best interests of the health, safety, and welfare of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTOVER HILLS, TEXAS:**

**Section 1.** That, the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

**Section 2.** That Town of Westover Hills Code of Ordinances Chapter 5, Fire Prevention and Protection, Article 5.01, General Provision is hereby amended by adding Section 5.01.002, which shall read as follows:

**Sec. 5.01.002. Fireworks Prohibited**

(a) **Definition.** For the purpose of this section, Firework means any composition or device designed for the purpose of producing a visible and/or audible effect for entertainment by combustion or detonation. Fireworks include, but are not limited to, firecrackers containing any amount of explosive composition and/or aerial shells containing any amount pyrotechnics composition.

(b) **Fireworks Prohibited.**

(1) No person shall discharge any form of firework or other pyrotechnics within the town limits.

(2) No person shall permit or allow the discharge of a firework or pyrotechnic on real property owned by or in control of said person.

(c) **Penalty.** Any person found guilty of violating the provisions of this section shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00).

**Section 2. Penalty.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each discharge of fireworks or other pyrotechnics.


**Section 3. Savings and Repealing Clause.** That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the municipal court of the Town of Westover Hills, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.

**Section 4. Severability.** If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto 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 Town Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5. Publication and effective date.** The caption of this Ordinance shall be published in accordance with the laws of the State of Texas and shall be effective immediately upon its passage and publication.

**PASSED AND APPROVED** by the Town Council of the Town of Westover Hills, Texas on this the 26<sup>th</sup> day of March, 2020.

**TOWN OF WESTOVER HILLS, TEXAS**

  
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Kelly R. Thompson, Mayor

**ATTEST:**

  
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Penny Spikes, Town Secretary

**APPROVED AS TO FORM:**

  
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Matthew Butler, Assistant Town Attorney