

ORDINANCE \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS, AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN BY AMENDING SECTION 11.5 TO NO LONGER RESTRICT FIREWORKS IN THE CITY'S ETJ; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE, AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City of Killeen seeks to exercise its lawful authority to enact all reasonable legislation for the promotion of public welfare including the preservation of health, safety and convenience

**Whereas**, the state legislatures may restrict the municipality's ability to regulate certain matters and they did so regarding the use and sale of fireworks in the Texas Local Government Code, Section 217.042,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:**

**SECTION I.** That Chapter 11, Article 1 of the City of Killeen Code of Ordinances is hereby amended to read as follows:

**Chapter 11 – FIRE PREVENTION AND PROTECTION**

**ARTICLE 1. – IN GENERAL**

**Sec. 11-5 – Fireworks – Prohibited use.**

(a) Except as hereinafter provide in section 11-6, it shall be unlawful for any person to possess, store, offer for sale, sell at retail, or use or explode any fireworks within the corporate limits of the city ~~and within the area immediately adjacent and contiguous to the city limits and extending outside the city limits for a distance of five thousand (5,000) feet, unless such area is within the corporate limits of another municipality.~~

**SECTION II:** That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are here by repealed to the extent of such conflict.

**SECTION III:** That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

**SECTION IV:** That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION V:** That this ordinance shall be effective upon publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of December, 2018, at which meeting a quorum was present, held in accordance with the provision of V.T.C.A., Government Code, §551.001 *et seq.*

**APPROVED**

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Jose L. Segarra,, MAYOR

**ATTEST:**

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Lucy C. Aldrich, CITY SECRETARY

**APPROVED AS TO FORM:**

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Kathryn H. Davis, CITY ATTORNEY