

AN ORDINANCE 97683

AMENDING CHAPTER 11 OF THE CITY CODE TO ALLOW LIMITED SALES AND POSSESSION OF FIREWORKS IN THE AREAS ANNEXED FOR LIMITED PURPOSES AND AMENDING THE REGULATORY PLAN FOR THE AREAS TO CONFORM TO THE CHANGES IN CHAPTER 11.

* * * * *

WHEREAS, the City of San Antonio Fire Department has agreed to support the sale of fireworks in the limited purpose annexation area under these conditions: 1) the use of fireworks would not be permitted in the limited purpose annexation area; 2) those who purchase fireworks would be required to transport them away from the full and limited purpose areas of the City; and 3) if no additional fireworks stands would be allowed to conduct sales other than those that were legally used in July of 2002; and

WHEREAS, approval of this Ordinance will allow the sale of fireworks in the limited purpose annexation area; and

WHEREAS, the City Council finds that the changes are necessary to the orderly transition of land uses within the limited purpose areas and amendments to the various regulatory plans are justified by the circumstances; **NOW THEREFORE;**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 11-40 of the City Code of the City of San Antonio is hereby amended by adding the language that is underlined (added) and deleting the language that is stricken (~~deleted~~):

7801.3.3 Unlawful Possession of Fireworks. Add Section:

a). It shall be unlawful for any person to have, keep, store, sell, offer for sale, give away, use, transport or manufacture fireworks or pyrotechnics of all kinds in any quantity, within the full purpose corporate limits of the city, or to sell or offer for sale, such fireworks within an area extending five thousand (5,000) feet beyond the full or limited purpose city limits; except,

1) those within such five thousand (5,000) foot area beyond such full or limited purpose city limits which are held to be a state and federally licensed importer or distributor established within such five thousand (5,000) foot area prior to the enactment of this section for storage or for distribution to or sale to governmental agencies or federal or state licensees or permittees; or,

2) during the period beginning on the effective date of this Ordinance and ending at 12:01 a.m., Central Standard Time, January 5, 2006, at those locations within the limited purpose corporate limits of the city at which retail sales of fireworks or pyrotechnics were legally offered for sale on July 1, 2002.

b. Further, except as set out below, it shall be unlawful for any person to have, keep or use fireworks or pyrotechnics of all kinds in any quantity, within the limited purpose corporate limits of the city. However it shall be lawful for any person to have, keep, store, or transport, fireworks or pyrotechnics of all kinds in any quantity, within the limited purpose corporate limits of the city if, but only if:

- 1) the person purchased the fireworks or pyrotechnics from a retail location within the limited purpose corporate limits as permitted by this Section 7801.3.3;
- 2) such person immediately transports the fireworks or pyrotechnics so purchased by the most expeditious available route out of and away from the full or limited purpose corporate limits of the city; and,
- 3) the person does not use the fireworks or pyrotechnics within either the full or limited purpose corporate limits of the city.

Section 7801.3.4 Instigating or Aiding a Minor to Violate the Ordinance Prohibiting Fireworks. Add Section:

No person shall furnish money or a thing of value to a minor for the purchase of fireworks or encourage, act in conjunction with or in any manner instigate or aid a minor in the act of having, keeping, storing, selling, offering for sale, giving away, using, transporting, or manufacturing fireworks within or five thousand (5,000) feet beyond the full or limited purpose corporate limits of the city. This shall be an offense regardless of whether the minor has been found guilty of the offense. The commission of the offense by a minor on any property under the control or owned by the parent, or guardian of said minor shall be prima facia proof that the relation or guardian was instigating or aiding the minor. This Section 7801.3.4 shall not apply if the minor

- 1) is greater than sixteen years of age,

2) possesses a valid drivers license and
3) is otherwise legally transporting the fireworks as permitted by state law
and Section 78301.3.3(b) of this code in the limited purpose corporate
limits.

SECTION 2. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance as required by the Charter of the City of San Antonio and the laws of the State of Texas.

SECTION 3. All other provisions of Chapter 11, Section 40, of the City Code of the City of San Antonio shall remain in full force and effect except as expressly amended by this Ordinance.

SECTION 4. The Regulatory Plans for the areas annexed for Limited Purposes by Ordinance Numbers 96557, Southside Initiative Area 1; 96558, Southside Initiative Area 2; 96559, Southside Initiative Area 3; 96560, Southside Initiative Area 4; 96561, Southside Initiative Area 5; and 96562, Southside Initiative Area 6 (all of which were adopted on November 21, 2002) are hereby amended as necessary to conform to the provisions of this Ordinance. All other provisions of the cited Regulatory Plans shall remain in full force and effect.

SECTION 5. This Ordinance will be effective on June 8, 2003.

PASSED AND APPROVED ON THIS 29th DAY OF MAY, 2003.

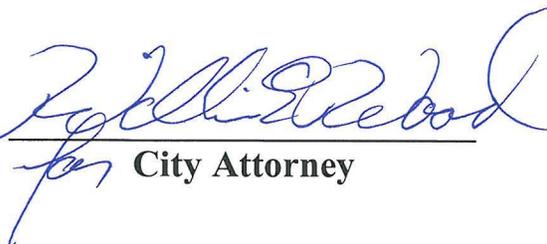

M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

03-21

MEETING OF THE CITY COUNCIL

ALAMODOME
ASSET MANAGEMENT
AVIATION
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
RISK MANAGEMENT
CITY MANAGER
SPECIAL PROJECTS
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
COUNCIL OFFICES
CULTURAL AFFAIRS
CUSTOMER SERVICE/311 SYSTEM
DEVELOPMENT SERVICES
HOUSE NUMBERING
LAND DEVELOPMENT SERVICES
TRAFFIC & DRAINAGE PLAN REVIEW
ECONOMIC DEVELOPMENT
ENVIRONMENTAL SERVICES
SOLID WASTE
EXTERNAL RELATIONS
PUBLIC INFORMATION OFFICE
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - PUBLIC UTILITIES SUPERVISOR
FINANCE- TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
MANAGEMENT & BUDGET (OFFICE OF) OMB
MAYOR'S OFFICE
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
NEIGHBORHOOD ACTION
PARKS AND RECREATION
MARKET SQUARE
YOUTH INITIATIVES
PLANNING DEPARTMENT - NEIGHBORHOOD PLNG; URBAN DESIGN/HISTORIC PRESERVATION
DISABILITY ACCESS OFFICE
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA

AGENDA ITEM NUMBER: 23

DATE: MAY 29 2003

MOTION: _____

ORDINANCE NUMBER: 97683 DM

RESOLUTION NUMBER: _____

ZONING CASE NUMBER: _____

TRAVEL AUTHORIZATION: _____

NAME	ROLL	AYE	NAY
BOBBY PEREZ District 1		-	
JOHN H. SANDERS District 2			
ANTONIETTE "TONI" MOORHOUSE District 3			
ENRIQUE "KIKE" MARTIN District 4			
NORA X. HERRERA District 5			
ENRIQUE M. BARRERA District 6			
JULIAN CASTRO District 7			
BONNIE CONNER District 8			
CARROLL SCHUBERT District 9			
DAVID CARPENTER District 10			
EDWARD D. GARZA Mayor			

AMENDS ORD. NO. Rep. 11 OF City Code

03-21

CONSENT AGENDA

CITY OF SAN ANTONIO

INTERDEPARTMENTAL MEMORANDUM

FIRE DEPARTMENT

TO: Mayor and City Council
FROM: Robert Ojeda, Fire Chief
THROUGH: Terry M. Brechtel, City Manager
COPIES: J. Rolando Bono, Deputy City Manager; File
SUBJECT: Sale of Fireworks in Limited Purpose Annexation Areas
DATE: May 29, 2003

SUMMARY AND RECOMMENDATIONS

This ordinance would approve amendments to Chapter 11 of the City Code allowing limited sales of fireworks in the limited purpose annexation area. Fireworks will be allowed to be sold until January 5, 2006 from fireworks stands that were legally in use in July 2002. Those who purchase fireworks will be required to transport the fireworks away from the city to avoid being in violation of this proposed ordinance. The ordinance includes a necessary revision to the Regulatory Plans adopted for each of the Limited Purpose Areas to incorporate the change into those Plans.

Staff recommends approval.

BACKGROUND INFORMATION

A question arose as to whether the sale of fireworks would be allowed in the limited purpose annexation area during the period of limited purpose annexation under the provisions of the Regulatory Plans that were adopted for each limited purpose area. The Fire Department, the entity responsible for the enforcement of fireworks ordinances, has agreed to support the sale of fireworks in the limited purpose annexation area under certain conditions: 1) if the use of fireworks would not be permitted in the limited purpose annexation area; 2) if those who purchase fireworks would be required to transport them away from the full and limited purpose areas of the city; and 3) if no additional fireworks stands would be allowed to conduct sales other than those that were legally in use in July 2002.

POLICY ANALYSIS

Approval of this ordinance will allow the sale of fireworks in the limited purpose annexation area. Sales, use, transport, and possession of fireworks is currently prohibited throughout the city, including the limited purpose area.

FISCAL IMPACT

There is no fiscal impact to the city.

COORDINATION

This proposal has been coordinated with the Legal and Planning Departments.

SUPPLEMENTARY COMMENTS

None



Robert Ojeda
Fire Chief



J. Rolando Bono
Deputy City Manager

Approved:



Terry M. Brechtel
City Manager

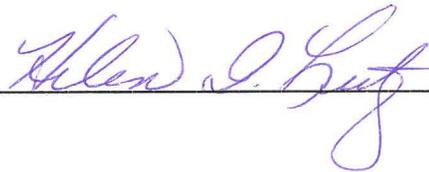
Affidavit of Publisher

STATE OF TEXAS,

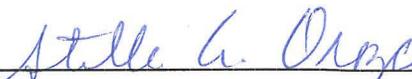
COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personal Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the City Of San Antonio-City Clerk-Ordinance 97683 hereto attached has been published in every issue of said newspaper on the following days, to-wit: June 13, 2003.



Sworn to and subscribed before me this 13th day of June, 2003.



Notary Public in and for Bexar County, Texas

PUBLIC NOTICE
AN ORDINANCE 97683
AMENDING CHAPTER 11 OF THE CITY CODE TO ALLOW LIMITED SALES OF POSSESSION OF FIREWORKS IN THE AREAS ANNEXED FOR LIMITED PURPOSES AND AMENDING THE REGULATORY PLAN FOR THE AREAS TO CONFORM TO THE CHANGES IN CHAPTER 11.
PASSED AND APPROVED THIS 29TH DAY OF MAY, 2003.
/s/ EDWARD D. GARZA
Mayor
ATTEST:
/s/ YOLANDA L. LEDESMA
Acting City Clerk
6/13

