



**Isela Reyes**  
Mayor

**Leticia Miranda**  
Alderson Place 1

**David Cantu**  
Alderson Place 2

**Lorenzo E. Leyva Sr.**  
Alderson Place 3

**Antonio Flores**  
Alderson Place 4

**Thomas Black**  
Alderson Place 5

## **CITY OF SAN ELIZARIO**

### **ORDINANCE NO. 2204.04**

**AN ORDINANCE AMENDING ORDINANCE NO. 2007.03 TO REPEAL THE TOTAL BAN ON FIREWORKS WITHIN THE CITY LIMITS OF SAN ELIZARIO; TO ADOPT THE REGULATIONS ADOPTED BY THE EL PASO COUNTY COMMISSIONERS COURT REGARDING FIREWORKS REGULATIONS ON AN ANNUAL BASIS; DECLARING ALL OTHER TERMS AND CONDITIONS OF ORDINANCE NO. 2007.03 REGARDING FIRE PREVENTION AND FIREWORKS REGULATIONS REMAIN IN FULL FORCE AND EFFECT; REPEAL; SEVERABILITY; AND EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS,** The City Council of the City of San Elizario Texas is authorized by Texas Government Code, Section 51.001 to adopt an ordinance that is for good government, peace, or order of the City and is necessary or proper for implementing a power granted by law to the City;

**WHEREAS,** Texas Local Government Code, Sections 342.003(a)(8) , 217.002 and 217.003 and Texas Occupations Code, Section 2154.004 authorize the City to regulate or prohibit the sale, use, manufacture and discharge of fireworks, nuisances, and disorderly conduct within the City;

**WHEREAS,** the City Council finds that it is necessary and proper for public health and safety and for fire protection within the City to adopt an ordinance regulating the sale, use and discharge of fireworks withing the City;

**WHEREAS,** the El Paso County Commissioners Court annually reviews the drought and other safety conditions within the County of El Paso, Texas and decides whether it is safe and in the best interest of the community to allow the use of fireworks in the unincorporated areas of the County of El Paso;

**WHEREAS,** the San Elizario City Council has decided to use the standards set by the El Paso County Commissioners Court regarding the regulation, sale, use, manufacture, and discharge of fireworks within the City of San Elizario.

**NOW, THEREFORE, BE IT ORDAINED** by the City council of the City of San Elizario:

## **SECTION 1. AMENDMENT**

### **SECTION 4. PROHIBITED ACT; DEFENSES**

A. Prohibited acts. It shall be unlawful for any person:

1. Fireworks. To possess, store, offer for sale, discharge, ignite, use, or display any fireworks within the city limits of San Elizario if the El Paso County Commissioners Court has prohibited the possession, storage, sale, discharge, ignition, use or display of fireworks within the unincorporated areas of County of El Paso, Texas. Commencing on the effective date of this ordinance, the same rules, and regulations regarding fireworks in effect in the unincorporated areas of the County of El Paso, Texas shall apply within the City of San Elizario. Violation of this provision of the ordinance shall be a misdemeanor and upon conviction shall be punishable by a fine not to exceed five hundred dollars.

## **SECTION 2. REPEALER, RATIFICATION AND SEVERABILITY**

**REPEALER:** All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**RATIFICATION;** All provisions of Ordinance No. 2007.03 not expressly modified herein are hereby ratified and remain in full force and effect.

**SEVERABILITY:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

## **SECTION 3. PROPER NOTICE AND MEETING**

The meeting at which this Ordinance was adopted by the City Council was open to the public, and public notice of the time, place, and purpose of said meeting was provided as required by the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall be in effect immediately upon its adoption by the San Elizario City Council.

**PASSED AND APPROVED** the 21 day of June 2022 by a vote of 3 ayes, 1 nays and 0 abstentions of the San Elizario City Council.

**CITY OF SAN ELIZARIO**

By:   
Irela Reyes, Mayor

**ATTEST:**

By:   
Nancy Montes, City Clerk

**APPROVED AS TO FORM;**

By:   
Sylvia Borunda Firth  
City Attorney