

CITY OF LAVON, TEXAS
ORDINANCE NO: 2017-08-02

Revised Burn Ordinance

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS AMENDING THE OUTDOOR BURN REGULATIONS ESTABLISHED BY ORDINANCE 2016-08-05; PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon ("City Council") seeks to protect the public safety, preserve the quality of life, promote health, welfare, convenience and enjoyment of the public in the City; and

WHEREAS, pursuant to Texas Local Government Code the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, City Council of the City of Lavon believes it is in the best interest of the citizens and visitors to the City, to regulate outdoor burning within the City of Lavon and Extraterritorial Jurisdiction (ETJ) where allowed by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS:

SECTION 1.

1. That Section 4.1.1 be amended as follows:

4.1.1 It is unlawful for any person or entity to burn, cause to be burned, or allow any uncontrolled or nuisance burning of trash, or other debris within the incorporated municipal boundaries (i.e., "city limits"), and Extraterritorial Jurisdiction (ETJ) where allowed by law, except as authorized herein.

2. That Section 5.1.1 be amended as follows:

5.1.1 Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of the Texas Commission on Environmental Quality (TCEQ) and shall not exceed three feet by three feet (3'x3') in size.

3. That Section 5.6 be added as follows:

5.6 Exception to Prohibition on Open Burning. Owners of single tracts of land or lots of record of minimum size of two (2) acres may burn natural vegetation harvested on site with prior review and approval from the Fire Marshal. The burn area shall not exceed ten feet by ten feet (10'x10') and must have a pre-approved water source on site.

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 the sum of not more than \$500. Each continuing day's violation under this ordinance shall constitute a separate offense.

In addition to and accumulative of all other penalties, the city shall have the right to seek injunctive relief to abate any and all violations of this ordinance for repeat offenders.

SECTION 3. Savings and Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect. This ordinance repeals Ordinance 97-06-1 in its entirety.

SECTION 4. Severability

It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

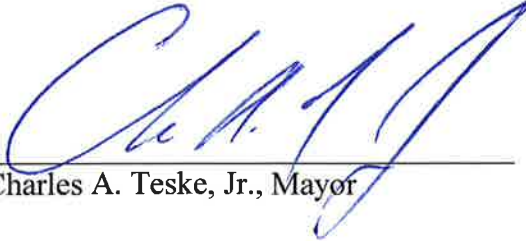
SECTION 5. Enforcement

This ordinance shall be enforced by an authorized official of the City of Lavon, local fire official or peace officer, in accordance with the adopted fire code.

SECTION 11. Effective Date

This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

DULY PASSED and APPROVED by the City Council of the City of Lavon, Texas, on the 1st day of August 2017.



Charles A. Teske, Jr., Mayor

ATTEST:



Kim Dobbs
City Administrator | City Secretary

