

CITY OF LAVON, TEXAS
ORDINANCE NO: 2023-03-05

Amend Open Burning Regulations

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING CHAPTER 6 “FIRE PREVENTION AND PROTECTION”, ARTICLE 6.05 “OPEN BURNING”, SECTION 6.05.005 “PROHIBITED ACTS” AND SECTION 6.05.006 “AUTHORIZED FIRES” OF THE CODE OF ORDINANCES OF THE CITY OF LAVON, TO AMEND THE SCOPE AND PARAMETERS OF THE REGULATIONS; PROVIDING A PENALTY CLAUSE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Lavon (hereinafter referred to as “City”) is a Home Rule municipality organized under the Constitution and laws of the State of Texas; and; and

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 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 believes it is in the best interest of the citizens and visitors to the City, to amend the outdoor burning regulations within the City.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. FINDINGS. After due deliberations and consideration of the recommendation of the Fire Chief, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City, and of the public health, safety, and welfare of its citizens.

SECTION 3. AMENDMENTS. Chapter 6 “Fire Prevention and Protection”, Article 6.05 “Open Burning” of the City’s Code of Ordinances is hereby amended as follows:

1. **Section 6.05.005 “Prohibited Acts”** is hereby amended as follows, with deletions in strike-through and additions underscored:

- (a) 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.
 - (b) It is unlawful for any person or entity to violate TCEQ standards, county orders, other city postings, warnings or alerts.
 - (c) It shall be unlawful for any person to burn or cause to be burned or allow to be burned on any public street, alley or premises owned or occupied by such person any rubbish, trash, waste, leaves, grass, lumber or any other combustible materials within the city except as provided herein.
2. **Section 6.05.006 "Authorized Fires", subsections (a) and (f)** are hereby amended as follows, with deletions in strike-through and additions underscored (renumbering shall be completed by the City's codification service as appropriate):
- (a) It shall be unlawful for any person to burn or cause to be burned or allow to be burned on any public street, alley or premises owned or occupied by such person any rubbish, trash, waste, leaves, grass, lumber or any other combustible materials within the city except as provided herein. 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.~~
....
 - (f) Exception to Prohibition on Open Burning. Owners of single tracts of land or lots of record of minimum size of ~~two (2)~~ ten (10) acres may burn natural vegetation harvested on site with prior ~~review and approval from the Fire Marshal~~ notification to the Fire Chief. The approved burn area shall be pre-determined ~~not exceed ten feet by ten feet (10'x10')~~ and must have a pre-approved water source on site.

SECTION 4: SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; 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 ordinances shall remain in full force and effect.

SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PENALTY. Any person, firm, corporation, or entity violating this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7: PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

SECTION 8. OPEN MEETING. That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

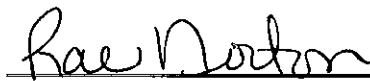
DULY PASSED AND APPROVED by the City Council of the City of Lavon, Collin County, Texas, on this the 7th day of March 2023.



Vicki Sanson, Mayor



ATTEST:



Rae Norton, City Secretary