

ORDINANCE NO. 97-06-1

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS,
ESTABLISHING OUTDOOR BURNING PROVISIONS AND
PROVIDING A PENALTY FOR VIOLATIONS NOT TO EXCEED
TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE .**

WHEREAS, the City Council of the City of Lavon has been presented with concerns by citizens regarding outdoor burning of waste items; and

WHEREAS, The City Council has given thought to this concern.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:

SECTION 1. No person shall burn materials within the city limits unless the following conditions have been met:

- 1) The burn site must be at least 100 feet from any residential, recreational, or commercial structure other than your own structure.
- 2) Heavy oils, asphaltic materials, items containing natural or synthetic rubber, hazardous materials, or any material such as treated lumber which may produce unreasonable amounts of smoke may not be burned.
- 3) A competent person at least eighteen (18) years of age must be in attendance while the burning is in progress.
- 4) Burning is allowed Monday through Saturday. No Sunday burning is allowed.
- 5) Burning materials is not allowed if the surface wind speed is greater than 15 miles per hour using the National Weather Service as measure of wind speed.
- 6) Burning materials must commence between the hours of 8:00 a.m. and end by 8:00 p.m.
- 7) A water supply adequate to control the burning site must be provided at all times.
- 8) No household garbage may be burned

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- 9) If Collin County has issued a Burn Ban due to drought conditions, no burning will be allowed.
- 10) All burning must be stopped upon the order of any Peace Officer if he has received a justifiable complaint.
- 11) A mandatory courtesy call must be placed to the appropriate Fire Dispatch.

SECTION 2. SEVERABILITY CLAUSE - If any article, paragraph, or subdivision, clause, phrase or provision, of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not be affected the validity of this ordinance as a whole or any part of provision thereof other than the part so decided to be invalid.

SECTION 3. PENALTY CLAUSE. Any person, corporation, or association violating any provision of this Ordinance shall be deemed guilty of an offense and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00). The violation thereof shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought through injunctive relief in the District Court.

SECTION 4. EMERGENCY CLAUSE - The fact that the present City regulations are inadequate to properly protect the public health, safety and welfare, creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and the publication of its caption as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS THIS
19th DAY OF June, 1997.

Chris Weiss
Mayor

ATTEST:

See Johnson
City Secretary/Clerk