

PROHIBITING OUTDOOR BURNING

AN ORDINANCE OF THE CITY OF NORMANGEE, TEXAS ("CITY") PROHIBITING OUTDOOR BURNING FOR THE DURATION OF ANY LEON COUNTY OUTDOOR BURNING PROHIBITION ORDER; PROVIDING FOR EXCEPTIONS; PROVIDING FOR A PENALTY OF UP TO \$2,000.00 PER VIOLATION; REPEALING ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the Texas Forest Service has determined that drought conditions exist in Leon County; and

WHEREAS, Leon County and the incorporated areas of the City of Normangee, Texas, are under imminent threat of severe damage, injury or loss of life or property resulting from the threat of wildfires due to drought and adverse weather conditions; and

WHEREAS, a public safety hazard exists in Leon County and within the incorporated areas of the City of Normangee as a result of the high risk potential for wildfires during the current drought and severe weather conditions;

WHEREAS, this public safety hazard would be exacerbated by outdoor burning or by any outdoor activity that may ignite combustible material, and

WHEREAS, the Commissioners' Court of Leon County from time to time, issues orders prohibiting outdoor burning in the unincorporated areas of Leon County, and the City Council wishes to enact such orders at the time of the issuance by the (the "County Order"): and

WHEREAS, the City Council finds that adopting the provisions of such Order to be effective within the city limits of Normangee is necessary for the good government of the City,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORMANGEE, TEXAS THAT:

ARTICLE 1. BURNING PROHIBITED

All outdoor burning is hereby prohibited within the city limits of the City of Normangee in accordance with and for the duration of any orders issued hereafter by the Leon County Commissioners' Court and any

extension of such order that may be lawfully enacted by the Leon County Commissioners' Court (the "County Order"), unless otherwise amended or repealed by amendment of this Ordinance.

ARTICLE 4. PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with this Ordinance shall upon conviction be guilty of a Class C misdemeanor punishable by a fine of up to Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE 5. REPEALER

If any provision of this Ordinance conflicts with any provision in another Ordinance, resolution or order of the Council, then the stricter provision shall apply.

ARTICLE 6. SEVERABILITY

If any word, article, phrase, paragraph, sentence, clause or provision of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE 7. SAVINGS

All rights and remedies of the City of Normangee are expressly saved as to any other ordinances affecting nuisances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

ARTICLE 8. PUBLICATION

The City Secretary is hereby directed to record and publish the caption of this ordinance and the penalty for violation of the ordinance in the newspaper of general circulation within the City.

ARTICLE 9. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as required by governing law.

ARTICLE 10. PROPER NOTICE AND OPEN MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of the meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED this the 21st day of July, 2016, by a vote of

 4 (ayes) to 0 (nays) to 1 (abstentions)

of the City Council of the City of Normangee, Texas.

SIGNED and EFFECTIVE on the 21st day of July, 2016.

Approved by Gary Dawkins, Mayor, and attested by Kristal Scheiner, Secretary.