

ORDINANCE NO. 802

"Outdoor Burning"

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS TO AMEND PART II: CODE OF ORDINANCES; CHAPTER 18 (FIRE PREVENTION); SECTIONS 18-74 (PRIOR APPROVAL OF FIRE CHIEF NEEDED FOR OPEN FIRES) AND 18-75 (BURN BAN) AND PROVIDING FOR THE FOLLOWING FINDINGS OF FACT; REPEAL OF PREVIOUS OUTDOOR BURNING ORDINANCES; SAVINGS; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Granite Shoals (the "City") seeks to provide for the safe and orderly burning of brush and vegetation within the corporate limits of the City; and

WHEREAS, the citizens of Granite Shoals from time to time have requested permission to burn brush and vegetation within the corporate limits of the City; and

WHEREAS, the City Council finds it to be in the best interest of the public safety, health, and general welfare to provide a reasonable permitting process for the controlled burning of brush and vegetation within the corporate limits; and

WHEREAS, the City Council finds that the requirements of this ordinance are consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments, and the regulations of the Texas Commission on Environmental Quality relating to Outdoor Burning, 30 Tex. Admin. Code Chapter 111, Subchapter B; and

WHEREAS, the City Council is authorized to adopt reasonable rules related to fire safety pursuant to the City's police power; and

WHEREAS, the City Council believes it is prudent to delegate to its fire chief the authority and responsibility to issue permits for open fires and issue burn bans when conditions so warrant;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GRANITE SHOALS TEXAS:

**SECTION I
FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II AMENDMENT

“Sec. 18-74 Prior approval of fire chief needed for open fires.

No person shall cause an open fire (except for cooking fires, warming fires, or ceremonial fires contained in a fireproof container or pit that safely contains the fire unless prohibited by a burn ban) without prior approval of the city fire chief and proper issuance of an outdoor burn permit by the fire chief or a duly designated representative for that purpose.

Sec. 18-75 Burn ban.

In the event that the fire chief determines that atmospheric conditions or other conditions within the City constitute a fire hazard, then, upon such finding, the fire chief will issue a burn ban and advise the city council that all open fires should be prohibited for a period of time until weather and natural conditions return to favorable conditions as determined by the Texas Forest Service burn ban schedule. The fire chief shall post signage and issue a media release to inform the public of the existence of the burn ban. No burn permits will be issued during a burn ban. Burn permits that were issued pursuant to Section 18-71 of this Code may be rescinded at the discretion of the fire chief if a burn ban is subsequently issued or if atmospheric conditions or other conditions constituting a fire hazard warrant. The fire chief will rescind the burn ban when the fire chief determines that conditions within the City no longer constitute a fire hazard.”

SECTION III SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V
REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION VI
EFFECTIVE DATE

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

SECTION VII
NOTICE AND MEETING

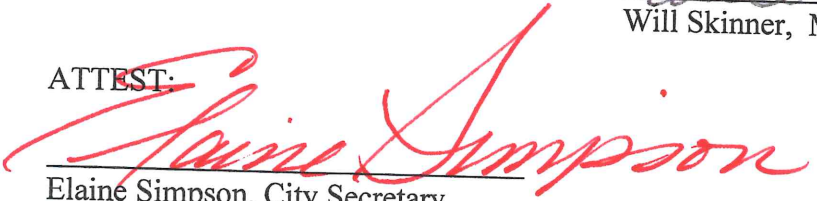
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED, APPROVED AND ADOPTED this 27th day of October, 2020

CITY OF GRANITE SHOALS, TEXAS


Will Skinner, Mayor

ATTEST:


Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Josh Katz, City Attorney