

ORDINANCE NO. 12052023

AN ORDINANCE BANNING OUTDOOR BURNING WITHIN THE CORPORATE LIMITS OF THE CITY OF CELESTE, TEXAS, IN CERTAIN CIRCUMSTANCES; ADOPTING BURN BANS ENACTED BY HUNT COUNTY, TEXAS; PROVIDING A PENALTY FOR EACH VIOLATION NOT TO EXCEED \$2,000.00; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Celeste, Texas, ("City Council") seeks to promote the health, safety and general welfare of the community by preventing wildfires within the City limits, and thereby limiting potential injury to persons or property; and

WHEREAS the City Council finds that the outdoor burning during a time of extremely dry conditions constitutes a public nuisance; and

WHEREAS pursuant to Texas Local Government Code Section 51, the City Council has the express authority to adopt and publish an ordinance or regulation that is for the good government, interest, welfare, or good order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS pursuant to Texas Local Government Code Section 217, the City Council has the express authority to prevent and abate any nuisance within the limits of the municipality; and

WHEREAS pursuant to Texas Local Government Code Section 342.003, the City Council has the express authority to adopt rules and for the prevention of fires and the governing body considers necessary; and

WHEREAS pursuant to Texas Local Government Code Section 54, the City Council has the express authority to enforce local ordinances and to prescribe penalties for the violation of those ordinances in accordance with the guidelines of that section.

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

BURN BAN

1. RECITALS ADOPTED.

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

2. PURPOSE.

This ordinance provides restrictions during specific drought-related conditions on the lawful burning outdoors in order to protect public health, safety and welfare and to preserve public and private property. This ordinance provides for a City burn ban (as defined herein) inside the city limits of the city to coincide with a county burn ban that has been effectuated by Hunt County, Texas, for the same duration and scope of activities and, additionally, at other times when the City deems it appropriate.

3. COUNTY BURN BAN.

By and through the enactment of this ordinance, the City Council recognizes and acknowledges any prohibition on outdoor burning effectuated by Hunt County, Texas. For purposes of this ordinance, the phrase county burn ban includes a local disaster declaration or resolution promulgated by the Hunt County Judge or effectuated by the Hunt County Commissioners Court, including (but not limited to) actions in the form of an order or proclamation, that limits or prohibits outdoor burning.

4. CITY BURN BAN.

(A) There shall be throughout the city limits of the City a prohibition on outdoor burning effectuated by the City Council, by and through this subchapter, to run concurrently with a county burn ban (a "city burn ban"). A city burn ban shall be in effect within the city limits of the City immediately upon the declaration of a county burn ban.

(B) The City Council is authorized to, as it deems appropriate and when it deems appropriate, issue a city burn ban within the city limits of the City prohibiting outdoor burning to protect the public health, safety and welfare and to preserve public and private property.

5. EMERGENCY CITY BURN BAN.

(A) The Mayor is authorized to issue an emergency city burn ban to prohibit outdoor burning within the city limits of the City as he or she deems appropriate to protect the public health, safety and welfare and to preserve public and private property. An emergency city burn ban issued by the Mayor shall be in effect immediately upon issuance and continue for a period of 14 days or until acted upon by the City Council.

(B) The City Council is authorized to take action to rescind or continue an emergency city burn ban issued by the Mayor as it deems appropriate. If action is not taken by the City Council on the emergency city burn ban, the emergency city burn ban expires 14 days after it is issued.

6. PROHIBITION.

It shall be unlawful for any person in the city limits of the City to perform any action in violation of the terms, conditions or restrictions of a county burn ban, city burn ban, or emergency city burn ban as defined in this ordinance. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

7. PENALTY.

Any person, firm, partnership or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$2,000.00.

8. REPEALER.

All provisions of the ordinances of the City of Celeste in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Celeste not in conflict with the provisions of this ordinance shall remain in full force and effect.

9. SEVERABILITY.

Should any sentence, paragraph, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the ordinance as a whole.

10. EFFECTIVE DATE.

The ordinance shall become effective immediately upon publication of the caption.

APPROVED, PASSED AND ADOPTED by the City Council of the City of Celeste, Texas, on the 5 day of December, 2023.

APPROVED:



Shauna Cole, Mayor

ATTEST:



Cherie Hubbard, City Secretary