

ORDINANCE NO. 6-9-98B

AN ORDINANCE TO PROHIBIT BURNING OF BRUSH, TRASH, PAPERS, RUBBISH AND GARBAGE WITHIN THE CITY LIMITS OF THRALL, TEXAS; DECLARING SUCH BURNING TO BE A NUISANCE AND PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Thrall, Texas, has determined there is a need for prohibition of burning of brush, trash, papers, rubbish and garbage within the City limits of Thrall, Texas; and

WHEREAS, the prohibition of burning within the City limits of Thrall, Texas, will be in the best interest of the public health, safety, and general welfare of the citizens of Thrall, Texas.

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

SECTION 1.

All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. OUTDOOR BURNING PROHIBITED

No person, firm or corporation shall burn any wood, brush, trash, papers, rubbish or garbage out of doors anywhere in the City. This Section shall not prohibit the use of an outdoor fire for cooking or for recreation.

SECTION 3. OTHER BURNING PROHIBITED

No person shall burn any trash, papers, rubbish or garbage anywhere indoors in the City except in an incinerator complying with all applicable laws and ordinances.

SECTION 4. HEATING AND COOKING STOVES

Nothing in this Ordinance shall be deemed to prohibit the use of wood in stoves used for cooking, the use of wood in fireplaces for decorative fires or the use of wood in fireplaces or stoves designed for heating.

SECTION 5. NUISANCE AND INJUNCTIVE RELIEF

Any violation of this Ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this Ordinance, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunctions.

SECTION 6. SEVERABILITY CLAUSE

The provisions of this Ordinance are severable, and if any sentence, section or other part of this Ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 7. REPEALING CLAUSE

All other ordinances, parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

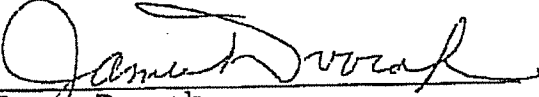
SECTION 8. PENALTY CLAUSE

That any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Thrall, Texas, shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day said violation is continued shall constitute a separate offense.

SECTION 9. PUBLICATION

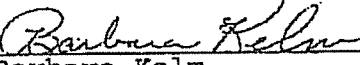
The City Secretary is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law.

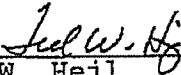
PASSED AND APPROVED this 9th day of June, 1998, by a vote of 3 "Ayes" and 0 "Nos" with all members of Council present and voting.


James Dvorak
Mayor

ATTEST:

APPROVED AS TO FORM:


Barbara Kelm
City Secretary

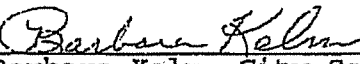

Ted W. Hejl
City Attorney

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF WILLIAMSON

I, Barbara Kelm, being the current City Secretary of the City of Thrall, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 6-9-98B, passed and approved by the City Council of the City of Thrall, Texas, on the 9th day of June, 1998, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place, and subject thereof, was posted as prescribed by Government Code Section 551.043..

Witness my hand and seal of office this 9th day of June, 1998.


Barbara Kelm, City Secretary