

CITY OF LOG CABIN, TEXAS

ORDINANCE 128

OUTDOOR BURNING

STATE OF TEXAS

COUNTY OF HENDERSON

AN ORDINANCE AUTOMATICALLY ENACTING A BAN ON OUTDOOR BURNING WITHIN THE INCORPORATED CITY LIMITS OF LOG CABIN, TEXAS, AT ANY TIME THAT THE COMMISSIONERS COURT OF HENDERSON COUNTY ENACTS A BAN ON OUTDOOR BURNING; PROVIDING FOR THE LENGTH OF THE BAN ON OUTDOOR BURNING; and PROVIDING FOR FINES AND/OR PENALTIES FOR VIOLATION OF THIS ORDINANCE

SECTION 1. ADOPTION OF ORDINANCE.

WHEREAS, in order to protect, promote and defend the health, safety and welfare of the inhabitants of the City of Log Cabin, Texas, and to prevent unnecessary damage to property and lives due to outdoor burning during unsafe or drought conditions, it is necessary to adopt an ordinance providing for a ban on outdoor burning in the City of Log Cabin, Texas, at anytime the Commissioners Court of Henderson County enacts a ban on outdoor burning;

WHEREAS, it is further necessary to provide fines, penalties, and costs for violation of this ordinance in the City of Log Cabin, Texas;

WHEREAS, it is necessary to immediately adopt this ordinance against outdoor burning to provide for the health, safety and welfare of the inhabitants of the City of Log Cabin, Texas.

SECTION 2. ENFORCEMENT OF CITY ORDINANCE

The Chief of Police, and/or his designee, is hereby authorized and directed to implement the enforcement of this ordinance to protect the public welfare and safety.

SECTION 3: APPLICATION OF CITY ORDINANCE

The provisions of this Ordinance shall apply to all persons, firms, groups, organizations, corporations, residents and visitors to the City of Log Cabin.

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SECTION 4. WHEN OUTDOOR BURNING IS PROHIBITED

The City declares that each time the Commissioners Court of Henderson County, in accordance with Local Government Code 352.081, determines that circumstances present in Henderson County create a public safety hazard that would be exacerbated by outdoor burning, the City of Log Cabin automatically bans and prohibits outdoor burning in the city limits of Log Cabin without further consideration or approval by the governing body.

SECTION 5. DURATION

The duration of the Ban and Prohibition against Outdoor Burning will begin immediately upon issuance of an Order Restricting Outdoor Burning or other proclamation of or by the Commissioners Court of Henderson County restricting outdoor burning, and will expire upon the same expiration date and time as the Order Restricting Outdoor Burning enacted by the Commissioners Court.

SECTION 6. EXCEPTIONS

This section does not apply to outdoor burning activities:

- (1) authorized by the City Council of the City of Log Cabin;
- (2) related to public health and safety that are authorized by the Texas Natural Resource Conservation Commission for:
 - (a) firefighter training;
 - (b) public utility, natural gas pipeline, or mining operations; or
 - (c) planting or harvesting of agriculture crops; or
 - (d) that are conducted by a prescribed burn manager certified under Section 153.048, Natural Resources Code, and meet the standards of Section 153.047, Natural Resources Code.

SECTION 7. PENALTY

A. Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed \$500 for each offense. Each violation committed constitutes a separate offense.

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This Ordinance, Number 128, is duly enacted by the City of Log Cabin, Texas pursuant to the general laws and Constitution of the State of Texas. This ordinance shall take effect after its passage and publication as required by law.

PASSED AND APPROVED THIS 15th day of August, 2013.



Lawrence Nolan, Mayor

ATTEST:



Pay Hayes, City Secretary