

ORDINANCE NO. 226

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, PROHIBITING BURNING OF TRASH, GARBAGE, TREE LIMBS, LEAVES, OR ANY OTHER FORM OF COMBUSTIBLE DEBRIS WITHIN THE CITY LIMITS OF WALLIS, TEXAS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in order to protect the public health, safety and welfare of its citizens, there exists a need to regulate and prohibit outdoor burning of trash, garbage, tree limbs, leaves, grass or any form of combustible debris within the city.

NOW, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, TEXAS, THE FOLLOWING:

Section 1. The facts and matter set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Procedures related to the declaration of a ban on outdoor burning are hereby adopted as follows.

- I. **Issuance** – It shall be unlawful for any person who shall own or occupy any lot or tract of land within the city limits of Wallis, Texas to burn or allow to be burned grass, tree limbs, leaves, trash, or any form of combustible debris on such lot or tract of land.
- II. **Exemptions** – The provisions of subsection (I) of this section do not apply to home fireplaces, outdoor fireplaces, outdoor cooking pits and grills, and approved incinerators, wherein complete combustion shall occur. This subsection does not exempt can and barrels and other burning receptacles formerly in use, wherein complete combustion of all burnables does not occur, resulting in smoking and smoldering of the material and eventual pollution of the atmosphere.
- III. **Enforcement Authority** – The Police Chief, Code Enforcement Officer or his/her appointed designee, has the authority to enforce this ordinance and to order the extinguishing of any fire in violation of this ordinance.

IV. **Penalties** – Any person, corporation or entity who or which intentionally, knowingly, recklessly or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$500.00. Each day in which any violation shall occur or each occurrence of any violation shall constitute a separate offense.

Section 3 All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4 In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wallis, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

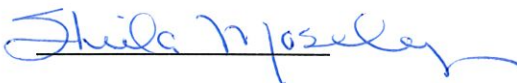
PASSED, APPROVED AND ADOPTED this 21st day of November, 2018



Steve Bockel, Mayor



ATTEST:



Sheila Moseley, City Secretary