

**CITY OF BLUE RIDGE  
ORDINANCE 2019-0319-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, TEXAS, PROHIBITING BURNING WITHIN THE INCORPORATED LIMITS OF THE CITY OF BLUE RIDGE; PROVIDING DEFINITIONS; PROVIDING OF DECLARING NUISANCE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Blue Ridge, Texas ("City") is a Type A General Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the burning of materials within the territorial boundaries of the City can create threats that fire may spread and endanger homes, persons, and property; and

**WHEREAS**, the City is authorized by Section 342.003 of the Local Government Code to adopt rules for the prevention and extinguishment of fires as the City Council of the City of Blue Ridge, Texas, considers reasonable and necessary; and

**WHEREAS**, the City Council seeks to establish regulations consistent with state regulations relative to outdoor burning as in the best interest and public health, safety and welfare of the citizens of the City of Blue Ridge, Texas and their property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUE RIDGE, TEXAS:**

**SECTION 1: INCORPORATION OF FINDINGS**

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

**SECTION 2: DEFINITIONS**

- 2.1 Burn shall mean a fire, flame or glow while consuming a material which is to be caused to be destroyed by fire.
- 2.2 Occupant shall mean either the owner-occupant of the premises whereon such sale is to be conducted or the tenant of the owner provided such tenant is actually residing upon said premises, and dependent members of the immediate family of the owner-occupant or tenant.
- 2.3 Open Flame shall mean kindling or maintaining a fire where the products of combustion in which a flame is unconcealed and emitted directly into the ambient air.
- 2.4 Personal Property shall mean property that is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. This specifically excludes merchandise that was purchased or acquired for resale or attained on consignment.

### **SECTION 3: NUISANCE DECLARED**

It shall be unlawful for any person to intentionally or knowingly burn or cause to be burned, any rubbish, trash, waste, leaves, grass, lumber or any other combustible materials in the City on any lot or parcel of land and to allow or permit such fire to spread onto any public street, alley, place or premises owned or occupied by another, or to permit or allow the smoke or fumes from such burning to spread onto the property of another in such a manner so as to constitute a nuisance.

### **SECTION 4: PENALTIES FOR VIOLATION OF THE ORDINANCE**

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$200.00 nor more than \$1,000.00. A separate offense shall be deemed committed each day or portion of a day during or on which the violation continues or otherwise occurs.

### **SECTION 5: SEVERABILITY**

It is hereby declared to be the intent of the City Council the several provisions of this Ordinance are severable. In the event any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

### **SECTION 6: REPEALER**

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances direct conflict with the provisions of this Ordinance. Any and all Ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

### **SECTION 7: PUBLICATION**

The City Secretary is hereby directed to publish in the Official Newspaper of the City of Blue Ridge the caption, penalty and effective date clause of this Ordinance as required by Section 52.011 of the Local Government Code.

### **SECTION 8: SAVINGS**


All rights and remedies of the City of Blue Ridge are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 9: EFFECTIVE DATE**

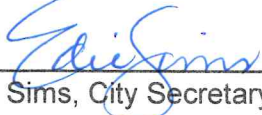
This Ordinance shall take effect immediately upon its adoption in accordance with and as provided by Texas law.

**PASSED AND APPROVED** this 5th day of March, 2019, at a regularly scheduled meeting of the City Council of the City of Blue Ridge, Texas, there being a quorum present, and approved by the Mayor on the date above set out.

APPROVED THIS 19TH DAY OF MARCH, 2019.

BY:   
Rhonda Williams, Mayor

ATTEST:

  
Edie Sims, City Secretary