

ORDINANCE NUMBER 20131008-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TROUP, TEXAS, RELATING TO THE REQUIREMENTS OF PERSONS BURNING REFUSE WITHIN THE CITY LIMITS OF TROUP, TEXAS; PROVIDING FOR NEW GUIDELINES IN REGARD TO BURNING CONTROL; MAKINE ADDITIONAL PROVISIONS AND FINDINGS RELATED THERETO; AND RE-ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Troup, Texas, desires and requests the adoption of City Policies implementing a Burning Ordinance, and pursuant to a motion duly made, seconded, and carried on October 8, 2013, by the City Council of the City of Troup, Texas; and

WHEREAS, the City of Troup recognizes that from time to time both Cherokee County and Smith County issue burn bans due to conditions resulting from lack of adequate rainfall and dry and windy conditions that require the issuance of a Proclamation that continue to persist and pose a serious threat of fire loss in Cherokee County and/or Smith County, Texas; and

WHEREAS, because of the geographical uniqueness in which the City of Troup is situated in portions of Cherokee County and Smith County, the City of Troup is desirous of issuing its own burn ban by authorizing the Mayor of the City of Troup, Texas to issue a burn ban as conditions dictate;

WHEREAS, If either Cherokee County or Smith County issue a burn ban, the entire city limits of the City of Troup will be included in this burn ban.

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

I.

The current Mayor of the City of Troup, Texas is hereby expressly authorized and empowered to issue a burn ban as the conditions dictate taking into account actions taken by Cherokee County and Smith County.

II.

The entire city limits of the City of Troup will be included anytime that Cherokee County or Smith County issue a burn ban. This would not require a Proclamation from the Mayor of the City of Troup, Texas.

III.

Any time that a burn ban is issued, a new ordinance will not be necessary to implement a burn ban. A burn ban shall be implemented by a Proclamation issued by the current Mayor of the City of Troup, Texas, proclaiming a local state of emergency in the City of Troup, Texas, due to widespread and severe damage and imminent injury of loss of life and/or property resulting from the lack of adequate rainfall and dry and windy conditions causing a serious threat of fire loss in the City of Troup, Texas, and may, but not necessarily, coincide with Cherokee County and Smith County until the Proclamation issued by the current Mayor of the City of Troup, Texas, has been terminated.

IV.

No outside burning of any kind or nature will be permitted in areas inside the city limits of the City of Troup, Texas, while a Proclamation by the Mayor of the City of Troup or burn ban that is issued by Cherokee County or Smith County proclaiming that no outdoor burning shall be permitted.

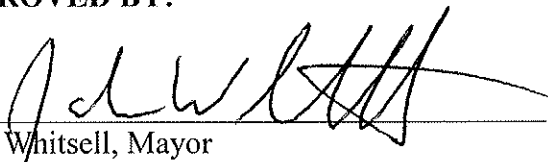
V.

Any person who violates this Ordinance shall be guilty of a misdemeanor and upon conviction in the Troup Municipal Court shall be assessed a fine not to exceed Five hundred dollars (\$500.00).

This Ordinance shall take effect after publication as required by law.

8th **DULY PASSED AND APPROVED** by the City Council, City of Troup, Texas, on this day of October, 2013.

APPROVED BY:



John Whitsell, Mayor

ATTEST:



Buffie Deason, City Secretary