

**ORDINANCE NO. 2015-001**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS, KAUFMAN COUNTY, TEXAS, REGULATING OUTDOOR BURNING WITHIN THE TOWN LIMITS; ESTABLISHING OFFENSES; PROVIDING A PENALTY CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PUBLICATION CLAUSE; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Talty, Texas ("The City") is a Type A General Law municipality located in Kaufman County, Texas, created in accordance with the provisions of the TEXAS LOCAL GOVERNMENT CODE, Title 2, Chapter 6, and operating pursuant to enabling legislation of the State of Texas; and

**WHEREAS**, the City is authorized and empowered to adopt and enforce ordinances not inconsistent with state law, that are necessary to protect the safety of its inhabitants pursuant to TEXAS LOCAL GOVERNMENT CODE Sec. 51.012.

**WHEREAS**, the City has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF TALTY, TEXAS:**

**SECTION 1. OFFENSES.**

**The following activities are all prohibited within the City:**

- A. Outdoor burning anytime there is a 'Burn-Ban' in effect for Kaufman County established by the Kaufman County Commissioner's Court.
- B. Outdoor burning that is not in compliance with State Regulations as addressed in the document 'Outdoor Burning in Texas' published by the Texas Commission on Environmental Quality, which can be accessed online at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).
- C. Outdoor burning that is not in compliance with the 2006 International Fire Code, Section 307.
- D. Outdoor burning of brush piles that exceed four feet in height above ground level, or exceed thirty feet in diameter.

**SECTION 2. PENALTIES.**

Any person violating this ordinance faces a Class C misdemeanor charge filed in Talty Municipal Court and shall be fined upon conviction or plea of not less than one dollar (\$1.00) nor more than two-hundred dollars (\$200.00) plus court costs.

SECTION 3. OPEN MEETINGS ACT COMPLIANCE.

That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 55 1.

SECTION 4. SEVERABILITY.

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 5. REPEAL.

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 6. PUBLICATION.

The City Secretary is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained herein, in the manner and for the length of time prescribed by TEXAS LOCAL GOVERNMENT CODE, Chapter 52, Subchapter B, Section 52.011.

SECTION 7. ENGROSSMENT AND ENROLLMENT.

The Town Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the Board of Aldermen and filing the ordinance in the ordinance records of the City.

SECTION 8. EFFECTIVE DATE.

That this Ordinance shall become effective from and after its passage and publication as required by law.

PASSED AND APPROVED Tuesday January 20, 2015.

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Larry Farthing, Mayor of Talty, Texas

ATTEST;

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Sherry Bagby, Town Secretary of Talty, Texas

APPROVED AS TO FORM:

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David Berman, City Attorney for Talty, Texas