

ORDINANCE NO. 96-2

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF RIO GRANDE CITY, CHAPTER 8, BY THE ADDITION OF ARTICLE IV; PROHIBITION ON BURNING WITHIN THE CITY LIMITS; PROVIDING FOR PROHIBITION ON ANY DOMESTIC BURNING OF GARBAGE OR TRASH WITHIN THE CITY LIMITS; PROVIDING FOR EFFECTIVE DATES; PROVIDING FOR PUBLICATION; PROVIDING FOR FINE NOT TO EXCEED \$500.00 FOR ANY VIOLATION HEREOF; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

WHEREAS, Article 4477-5 Section 309 of the Texas Statutes prohibits the burning of domestic waste within the boundaries of the city limits where the collection of domestic waste is authorized by local governmental authority; and

WHEREAS, the Board of Alderman of the City of Rio Grande City have adopted regulations within the boundaries of the city for the permitting of garbage and trash service thereby by authorizing the provision of garbage and waste disposal service within the city; and

WHEREAS, furthermore the provisions of section 342.003 subsection (13) of the Local Government Code provide that the City may adopt rules for the prevention and extinguishment of fires as the governing body considers necessary; and

WHEREAS, the Board of Commission deems the domestic burning of waste a fire hazard to adjoining houses and/or buildings within the confines of the boundaries of the City of Rio Grande City; and

WHEREAS, the City encourages all citizens to utilize the services of the domestic waste carriers permitted by the City of Rio Grande City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNSEL OF THE CITY OF RIO GRANDE CITY, TEXAS, as follows:

SECTION I. The code of ordinances of the City of Rio Grande City Chapter 8, Health and Safety is hereby amended by the addition of Article IV Prohibition of Burning of Domestic Waste which such article shall read as follows:

CHAPTER 8 HEALTH AND SAFETY

ARTICLE IV BURNING OF DOMESTIC WASTE

Section 8-401 Burning of Domestic Waste prohibited

It shall be unlawful for any person to cause, suffer, allow or permit any outdoor burning of domestic waste at a property designed for and used exclusively as a private residence. This prohibition is in addition to the existing prohibition against outdoor burning activities presently prohibited by the Texas Administration Code Section 111.101 of the Texas Natural Resources Code.

Section 8-402 Penalties

Any violation of the provisions herein, shall, upon conviction, be punishable by a fine not to exceed \$500.00 as provided by the Code or Ordinances.

SECTION II: Effective Date

This Ordinance shall be effective on its passage and execution and publication.

SECTION III: Publication

The City Secretary of the City of Rio Grande City is hereby authorized and directed to cause the contents of Section I hereof to be published, added and/or deleted in the appropriate location in the Code of Ordinances of the City of Rio Grande City.

SECTION IV: Publication in the Newspaper

The City Secretary of City Administrator is hereby authorized to publish a caption of this ordinance in the official newspaper in and for the City of Rio Grande City, Texas,

according to law.

SECTION V: Severability

If any section, or part of any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid of unconstitutional for any reason, such decision shall not affect the remaining portions of this ordinance as all such sections, subsections and sentences are hereby declared to be severable.

PASSED AND APPROVED BY THE BOARD OF ALDERMEN OF THE CITY OF RIO GRANDE CITY, TEXAS, at a regular meeting called and held in on this 1st day of February, 1996, held in accordance with the provisions of Chapter 551 of the Texas Government Code.

Signed this the 5th day of February, 1996.

CITY OF RIO GRANDE CITY, TEXAS

By: Basilio Villarreal
BASILIO VILLARREAL, Mayor

ATTEST:

Holly Guerrero
Holly Guerrero, City Secretary

APPROVED AS TO FORM:

James E. Darling, City Attorney