

## **Ordinance No. 2132**

**AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING CHAPTER 6: FIRE PROTECTION, SECTION 5: OUTDOOR BURNING OF THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

### **SECTION I.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THAT THE REVISED CODE OF ORDINANCES OF THE CITY OF TERRELL, CHAPTER 6: FIRE PROTECTION, SECTION 5: OUTDOOR BURNING BE AMENDED AT THE INDICATED PARAGRAPH (B): EXCEPTIONS, BY ADDING SUBSECTION (6) TO READ AS FOLLOWS:

**Chapter 6: Fire protection**  
**Section 5: Outdoor Burning**  
**(B) Exceptions:**

- (6.) Outdoor burning for the purpose of maintenance or land clearing will be allowed if there are no other practical alternatives to burning (i.e., recycling, composting, mechanical chipping or mulching, logging or landfills). The only acceptable method for this type of outdoor burning is an "Air Curtain Trench Burn", which requires prior approval, and a permit from, the Texas Commission on Environmental Quality. In addition, a permit must be obtained from, the site inspected by the Terrell Fire Department.

### **SECTION II**

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

### **SECTION III**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, and sections to this Ordinance, since the same would have been enacted by the city council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

### **SECTION IV**

This Ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

**PASSED AND APPROVED** this the 1<sup>st</sup> day of October, 2002.

**PASSED AND ADOPTED** this the 15<sup>th</sup> day of October, 2002.

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FRANCES R. ANDERSON, MAYOR

ATTEST:

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JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

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MARY GAYLE RAMSEY, CITY ATTORNEY